



**PLANNING COMMISSION AGENDA**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

CALL TO ORDER: COMMISSIONERS' BRIEFING, 5:42 P.M. in Council Chambers of City Hall, 400 Stewart Avenue, Las Vegas, Nevada

**ATTENDANCE:**

**PRESENT:** CHAIRMAN RICHARD TRUESDELL, MEMBERS STEVEN EVANS, LAURA McSWAIN, LEO DAVENPORT AND DAVID STEINMAN

EXCUSED: NIGRO and GOYNES

**STAFF PRESENT:** MARGO WHEELER – PLANNING & DEVELOPMENT DEPT., FLINN FAGG – PLANNING & DEVELOPMENT DEPT., GARY LEOBOLD – PLANNING & DEVELOPMENT DEPT., DAVID GUERRA – PUBLIC WORKS, YONGYAO LOU – PUBLIC WORKS, BRYAN SCOTT – CITY ATTORNEY'S OFFICE, ARLENE COLEMAN – CITY CLERK'S OFFICE, STACEY CAMPBELL – CITY CLERK'S OFFICE

**MINUTES:**

GARY LEOBOLD, Planning and Development Department, referenced the following items that were requested to be held in abeyance, tabled or withdrawn without prejudice. Letters are on file for each of the requests.

|                    |  |
|--------------------|--|
| Item 3 [TMP-5188]  | Abeyance to 11/18/2004 Planning Commission meeting |
| Item 25 [VAC-5030] | Abeyance to 12/06/2004 Planning Commission meeting |
| Item 29 [GPA-5266] | Abeyance to 11/18/2004 Planning Commission meeting |
| Item 43 [GPA-5195] | Abeyance to 11/18/2004 Planning Commission meeting |
| Item 44 [GPA-5200] | Withdrawn Without Prejudice                        |
| Item 47 [GPA-5207] | TABLED   |
| Item 48 [SUP-5210] | TABLED   |
| Item 49 [SDR-5209] | TABLED   |
| Item 50 [MOD-5212] | Abeyance to 11/18/2004 Planning Commission meeting |
| Item 51 [VAR-5214] | Abeyance to 11/18/2004 Planning Commission meeting |
| Item 52 [SDR-5213] | Abeyance to 11/18/2004 Planning Commission meeting |
| Item 57 [VAR-5178] | Withdrawn Without Prejudice                        |
| Item 75 [SDR-5179] | Abeyance to 11/18/2004 Planning Commission meeting |

Regarding the One Motion One Vote items, MR. LEOBOLD stated that one of the applicants, Lamar Outdoor Advertising, requested to pull Item 5 [RQR-5164] and Item 7 [RQR-5167] so a discussion could take place.

Regarding Item 8 [RQR-5168] and Item 11 [RQR-5171], they should be pulled from One Motion One Vote as they are discussion items, and the recommendation is for Denial.

Regarding Item 6 [RQR-5165], it will remain on One Motion One Vote, but Condition 1 is not required and would be deleted.

Regarding Item 76 [RQR-5166], staff requested moving this item up, as the applicant has multiple applications for billboards and would like for all the items to be heard at the same time.

Regarding Item 15 [ROC-5347], staff tried contacting the applicant several times to no avail. As a result, the applicant has not approved of the conditions, so the item needs to be pulled from One Motion One Vote.

Regarding Item 24 [VAR-5336], the item was out of order on the agenda but would be heard prior to Item 23 [SDR-5077].

Regarding Item 38 [WVR-5331], the item would be heard before the Site Development Review application, Item 37 [SDR-5175].

Regarding Item 60 [VAR-5160], the applicant requested trailing the item until after 9 p.m.

Regarding Item 41 [SDR-5184], Condition 6 would be revised to reflect the correct Site Plan, date stamped 10/01/2004, as it was received after the report was completed.

MR. LEOBOLD clarified for COMMISSIONER EVANS that a discussion would take place on Item 29 [GPA-5266], Item 30 [GPA-5278], Item 31 [GPA-5034] and Item 32 [ZON-4941]. He added that the aforementioned abeyance/withdrawal/tabled items are correct. In addition, Item 57 [VAR-5178] would be Withdrawn Without Prejudice, but a discussion would take place on Item 56 [ZON-5176] and Item 58 [SDR-5177].

MR. LEOBOLD also clarified for DEPUTY CITY ATTORNEY BRYAN SCOTT that on Item 6 [RQR-5165], Condition 6 would be deleted.

**MEETING ADJOURNED AT 5:49 P.M.**



**PLANNING COMMISSION AGENDA**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE.

THESE PROCEEDINGS ARE BEING PRESENTED LIVE ON KCLV, CABLE CHANNEL 2. THE PLANNING COMMISSION MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE CITY'S INTERNET AT [www.kclv.tv](http://www.kclv.tv). THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB SATURDAY AT 10:00 AM, THE FOLLOWING MONDAY AT MIDNIGHT AND TUESDAY AT 5:00 PM.

PLEDGE OF ALLEGIANCE was led by CHAIRMAN TRUESDELL

CALL TO ORDER: 6:02 P.M. in Council Chambers of City Hall, 400 Stewart Avenue, Las Vegas, Nevada

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

**MINUTES:**

**PRESENT:** CHAIRMAN RICHARD TRUESDELL, VICE CHAIRMAN TODD NIGRO, MEMBERS STEVEN EVANS, BYRON GOYNES, LAURA McSWAIN, LEO DAVENPORT AND DAVID STEINMAN

**STAFF PRESENT:** ROBERT GENZER – PLANNING & DEVELOPMENT DEPT., MARGO WHEELER – PLANNING & DEVELOPMENT DEPT., GARY LEOBOLD – PLANNING & DEVELOPMENT DEPT., FLINN FAGG – PLANNING & DEVELOPMENT DEPT., DAVID GUERRA – PUBLIC WORKS, YONGYAO LOU – PUBLIC WORKS, BRYAN SCOTT – CITY ATTORNEY'S OFFICE, STACEY CAMPBELL – CITY CLERK'S OFFICE, ARLENE COLEMAN – CITY CLERK'S OFFICE

GARY LEOBOLD, Planning and Development Department, reiterated the following items that were requested to be held in abeyance, tabled or withdrawn without prejudice. Letters are on file for each of the requests.

|                    |  |
|--------------------|--|
| Item 3 [TMP-5188]  | Abeyance to 11/18/2004 Planning Commission meeting |
| Item 25 [VAC-5030] | Abeyance to 12/16/2004 Planning Commission meeting |
| Item 29 [GPA-5266] | Abeyance to 11/18/2004 Planning Commission meeting |
| Item 43 [GPA-5195] | Abeyance to 11/18/2004 Planning Commission meeting |
| Item 44 [GPA-5200] | Withdrawn Without Prejudice                        |
| Item 47 [GPA-5207] | TABLED   |
| Item 48 [SUP-5210] | TABLED   |
| Item 49 [SDR-5209] | TABLED   |

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| Item 50 [MOD-5212] | Abeyance to 11/18/2004 Planning Commission meeting |
| Item 51 [VAR-5214] | Abeyance to 11/18/2004 Planning Commission meeting |
| Item 52 [SDR-5213] | Abeyance to 11/18/2004 Planning Commission meeting |
| Item 57 [VAR-5178] | Withdrawn Without Prejudice                        |
| Item 75 [SDR-5179] | Abeyance to 11/18/2004 Planning Commission meeting |

In addition, MR. LEOBOLD reiterated the following information:

Regarding One Motion One Vote items, MR. LEOBOLD stated that one of the applicants, Lamar Outdoor Advertising, requested to pull Item 5 [RQR-5164] and Item 7 [RQR-5167] so a discussion could take place. In addition, regarding Item 76 [RQR-5166], staff requested moving this item up, as the applicant has multiple applications for billboards and would like for all the items to be heard at the same time.

Regarding Item 8 [RQR-5168] and Item 11 [RQR-5171], they should be pulled from One Motion One Vote as they are discussion items, and the recommendation is for Denial.

Regarding Item 15 [ROC-5347], staff tried contacting the applicant several times to no avail. As a result, the applicant has not approved of the conditions, so the item needs to be pulled from One Motion One Vote.

Regarding Item 24 [VAR-5336], the item was out of order on the agenda but would be heard prior to Item 23 [SDR-5077].

Regarding Item 38 [WVR-5331], the item would be heard before the Site Development Review application, Item 37 [SDR-5175].

Regarding Item 60 [VAR-5160], the applicant requested trailing the item until after 9 p.m.

Regarding Item 76 [RQR-5166], staff requested moving this item up with the other items the applicant, Lamar Outdoor Advertising, has.

Regarding Item 69 [SUP-5189], the applicant needed to leave early due to a funeral and requested moving the item up on the agenda for discussion.

Regarding Item 77 [TMP-5023], staff requested moving this item on the agenda for discussion.

Regarding Item 6 [RQR-5165], it will remain on One Motion One Vote, but Condition 1 is not required and would be deleted.

Regarding Item 41 [SDR-5184], Condition 6 would be revised to reflect the correct Site Plan, date stamped 10/01/2004, as it was received after the report was completed.

CHAIRMAN TRUESDELL clarified for COMMISSIONER EVANS that any comments made by the public should only be whether or not the aforementioned items should be held in abeyance, withdrawn or tabled.

DANIEL DEEGAN, 1801 Granite Avenue, expressed concern on Notification for Item 29 [GPA-5266] relating to the expansion of the Downtown Redevelopment area. The residents normally

receive a courtesy Notification from Neighborhood Services on all issues effecting their neighborhood. However, Notification was not received for this item. As a result, no one was informed on the details of this item and was not prepared to speak on this item. MR. DEEGAN then requested that proper notification is given to their neighborhood association regarding any issues affecting their neighborhood.

ROBERT GENZER, Planning and Development, responded that staff is currently transitioning the notification procedures from the Department of Neighborhood Services to the Department of Planning and Development. He assured MR. DEEGAN that he would receive proper notification as this item goes forward.

MR. LEOBOLD also informed CHAIRMAN TRUESDELL that staff just received a letter from the applicant agreeing to the conditions on Item 15 [ROC-5347], so the item would remain on the One Motion One Vote.

PATRICIA WATERS DECKER, 1725 Lockloman Way, stated that she received notice of this meeting. She requested clarification on Item 29 [GPA-5266] relative to the development for the east side of the I-15 Freeway. She was concerned that the project runs through the middle of her street. MR. GENZER clarified that staff requested to abey the item until 12/18/2004, as staff is reviewing the proposed boundaries. Staff felt that some of the areas currently shown within the proposed boundaries may be deleted. He suggested that MS. WATERS DECKER contact the Office of Business Development regarding changes on the redevelopment plan for this particular application.

TAMMY GREEN, appeared on behalf of the residents located within residential areas on the displayed maps, Map 3 and Map 5. She stated that the residents received short notice, and a meeting was held on the 13<sup>th</sup> with residents in which they were poorly informed about the project. They were not informed that this item would be abeyed and requested clarification as to what is being developed and what impact the redevelopment would have on their neighborhood. She felt that an additional abeyance would be necessary after this abeyance, as the residents would like time to meet as a community and with appropriate staff to receive in writing the redevelopment plans and then review them. CHAIRMAN TRUESDELL clarified for MS. GREEN that the motion to hold this item in abeyance has not come forward; only a discussion is taking place as to whether or not to hold the item in abeyance.

**VICE CHAIRMAN NIGRO motioned to bring forward the abeyance, withdrawn and tabled items as read into record.**

Regarding Item 29 [GPA-5266], CHAIRMAN TRUESDELL disclosed that he has an interest in the adjacent property. He would be voting on the abeyance but would abstain once the item comes forward. In addition, on Item 44 [GPA-5200], he would be voting on the abeyance but is uncertain if he would vote on the item once it comes forward, as he has been involved with the group that purchased the property and have abstained on this item in the past.

MR. GENZER reiterated the abeyance, withdrawn and tabled items for the record.

(6:05-6:20)



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

**SUBJECT:**

Approval of the minutes of the September 23, 2004, Planning Commission Meeting

**MOTION:**

**NIGRO - APPROVED – UNANIMOUS with STEINMAN abstaining as he was not present at the aforementioned meeting.**

**MINUTES:**

There was no discussion.

(6:03-6:03)

**1-28**



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

**CHAIRMAN TRUESDELL** announced the subdivision items could be appealed by the applicant or aggrieved person or a review requested by a member of the City Council.

**ACTIONS:**

ALL ACTIONS ON TENTATIVE AND FINAL SUBDIVISION MAPS ARE FINAL UNLESS AN APPEAL IS FILED BY THE APPLICANT OR AN AGGRIEVED PERSON, OR A REVIEW IS REQUESTED BY A MEMBER OF THE CITY COUNCIL WITHIN SEVEN DAYS OF THE DATE NOTICE IS SENT TO THE APPLICANT. UNLESS OTHERWISE INDICATED DURING THE MEETING, ALL OTHER ACTIONS BY THE PLANNING COMMISSION ARE RECOMMENDATIONS TO THE CITY COUNCIL, IN WHICH CASE ALL FINAL DECISIONS, CONDITIONS, STIPULATIONS OR LIMITATIONS ARE MADE BY THE CITY COUNCIL.

**CHAIRMAN TRUESDELL** read the statement on the order of the items and the time limitations on persons wishing to be heard on an item.

ANY ITEM LISTED IN THIS AGENDA MAY BE TAKEN OUT OF ORDER IF SO REQUESTED BY THE APPLICANT, STAFF, OR A MEMBER OF THE PLANNING COMMISSION. THE PLANNING COMMISSION MAY IMPOSE TIME LIMITATIONS, AS NECESSARY, ON THOSE PERSONS WISHING TO BE HEARD ON ANY AGENDA ITEM.



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

**CHAIRMAN TRUESDELL noted the Rules of Conduct.**

**PLANNING COMMISSION MEETING RULES OF CONDUCT.**

1. Staff will present each item to the Commission in order as shown on the agenda, along with a recommendation and suggested conditions of approval, if appropriate.
2. The applicant is asked to be at the public microphone during the staff presentation. When the staff presentation is complete, the applicant should state his name and address, and indicate whether or not he accepts staff's conditions of approval.
3. If areas of concern are known in advance, or if the applicant does not accept staff's conditions, the applicant or his representative is invited to make a brief presentation of his item with emphasis on any items of concern.
4. Persons other than the applicant who support the request are invited to make brief statements after the applicant. If more than one supporter is present, comments should not be repetitive. A representative is welcome to speak and indicate that he speaks for others in the audience who share his view.
5. Objectors to the item will be heard after the applicant and any other supporters. All who wish to speak will be heard, but in the interest of time it is suggested that representatives be selected who can summarize the views of any groups of interested parties.
6. After all objectors' input has been received, the applicant will be invited to respond to any new issues raised.
7. Following the applicant's response, the public hearing will be closed; Commissioners will discuss the item amongst themselves, ask any questions they feel are appropriate, and proceed to a motion and decision on the matter.
8. Letters, petitions, photographs and other submissions to the Commission will be retained for the record. Large maps, models and other materials may be displayed to the Commission from the microphone area, but need not be handed in for the record unless requested by the Commission.

As a courtesy, we would also ask those not speaking to be seated and not interrupt the speaker or the Commission. We appreciate your courtesy and hope you will help us make your visit with the Commission a good and fair experience.



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**

**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**ABEYANCE - TMP-5081 - TENTATIVE MAP - PRIMROSE ESTATES II - APPLICANT/OWNER: HORIZON HOMES, INC. - Request for a Tentative Map FOR A 13-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION on 5.23 acres adjacent to the southeast corner of Craig Road and Tioga Way (APN 138-03-302-001), R-PD2 (Residential Planned Development - 2 Units Per Acre), Ward 4 (Brown).**

**P.C.: FINAL ACTION**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED subject to conditions Consent Item 1 [TMP-5081], Item 2 [TMP-5186] and Item 4 [ANX-5163] – UNANIMOUS with McSWAIN abstaining on Item 4 as her company is doing work for Focus Group who is involved in the project**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL stated this is a Consent item.

(6:20 – 6:21)

**1-551**

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 1 – TMP-5081

**CONDITIONS:**

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. The development shall conform to the Conditions of Approval for applications approved for Rezoning (ZON-4219) and Site Development Plan Review (SDR-4222).
3. Prior to submittal of a Final Map Technical Review or for review of Civil Improvement plans, whichever occurs first, a revised Tentative Map depicting the conditions of approval herein and particularly those enumerated as Special Conditions shall be approved by the Planning and Development Department and Public Works Department staff.
4. Street names must be provided in accordance with the City's Street Naming Regulations.
5. All development is subject to the conditions of City Departments and State Subdivision Statutes.
6. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

Public Works

7. Dedicate a 15-foot radius corner on the northwest corner of Pioneer Way and Helena Avenue as required by Rezoning application, ZON-4219.
8. Site development to comply with all applicable conditions of approval for ZON-4219 and all other subsequent site-related actions.
9. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**TMP-5186 - TENTATIVE MAP - LIBERTY TOWER - APPLICANT: JMA ARCHITECTURE STUDIO - OWNER: HARVARD SECURITIES, INC., A NEVADA CORPORATION - Request for a Tentative Map FOR A PROPOSED 17 LOT MIXED USE SUBDIVISION on 0.68 acres at 1801 Las Vegas Boulevard South (APN 162-03-310-006), C-2 (General Commercial) Zone, Ward 3 (Reese).**

**P.C.: FINAL ACTION**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED subject to conditions Consent Item 1 [TMP-5081], Item 2 [TMP-5186] and Item 4 [ANX-5163] – UNANIMOUS with McSWAIN abstaining on Item 4 as her company is doing work for Focus Group who is involved in the project**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL stated this is a Consent item.

(6:20 – 6:21)  
**1-551**

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 2 – TMP-5196

**CONDITIONS – Continued:**

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area included in the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. The development shall conform to the Conditions of Approval for Site Development Review (SDR-4512).
3. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
4. The development shall comply with all City codes and State subdivision statutes.

Public Works

5. Construct a new sewer main from this site in Las Vegas Boulevard or in the alley from this site to Oakey Boulevard. Coordinate with the Collection Systems Planning Section of Public Works to determine appropriate public sewer paths to service this site prior to the submittal of any sewer-related construction drawings. The offsite public sewer improvements will be required to provide capacity for this project.
6. Site development to comply with all applicable conditions of approval for SDR-4512 and all other subsequent site-related actions.
7. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**TMP-5188 - TENTATIVE MAP - TAMARINDO PROFESSIONAL PARC (A COMMERCIAL SUBDIVISION) - APPLICANT: CW GROUP - OWNER: FORT APACHE/CHEYENNE HOLDINGS, LLC** - Request for a Tentative Map FOR A ONE LOT COMMERCIAL SUBDIVISION on 2.0 acres on the west side of Fort Apache Road, approximately 380 feet north of Cheyenne Avenue (APN 138-07-801-010), U (Undeveloped) Zone [O (Office) General Plan Designation] under Resolution of Intent to O (Office), Ward 4 (Brown).

**P.C.: FINAL ACTION**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

4. Location Map
5. Conditions For This Application
6. Staff Report

**MOTION:**

**NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 3 [TMP-5188], Item 29 [GPA-5266], Item 43 [GPA-5195], Item 50 [MOD-5212], Item 51 [VAR-5214], Item 52 [SDR-5213] and Item 75 [SDR-5179] to 11/18/2004 Planning Commission meeting; Item 25 [VAC-5030] to 12/16/2004 Planning Commission meeting; WITHDRAW WITHOUT PREJUDICE Item 44 [GPA-5200] and Item 57 [VAR-5178]; and TABLE Item 47 [GPA-5207], Item 48 [SUP-5210] and Item 49 [SSR-5209] – UNANIMOUS**

NOTE: Chairman Truesdell made a disclosure relating to Item 29 [GPA-5266], as he has an interest in the adjacent property. He would be voting on the abeyance but would abstain once the item comes forward. In addition, on Item 44 [GPA-5200], he would be voting on the abeyance but is uncertain if he would vote on the item once it comes forward, as he has been involved with the group that purchased the property and have abstained on this item in the past.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 3 – TMP-5188

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:20)

**1-90**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**ANX-5163 - ANNEXATION - BRIDGEKEEPER LLC, ET AL** - Petition to annex property generally located south of Centennial Parkway and east of Puli Drive (APN 126-25-101-001, 002, 005 and portions of 126-25-201-001 and 126-25-401-006), containing approximately 60 acres, Ward 6 (Mack).

**THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application –Not Applicable
3. Staff Report

**MOTION:**

**NIGRO – APPROVED** subject to conditions Consent Item 1 [TMP-5081], Item 2 [TMP-5186] and Item 4 [ANX-5163] – **UNANIMOUS** with McSWAIN abstaining on Item 4 as her company is doing work for Focus Group who is involved in the project

**This item will be forwarded to City Council in Ordinance Form**

**MINUTES:**

CHAIRMAN TRUESDELL stated this is a Consent item.

(6:20 – 6:21)

**1-551**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**RQR-5164 - REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - APPLICANT: LAMAR ADVERTISING - OWNER: S&S # 2, LLC** - Required Two Year Review of an Approved Special Use Permit (U-0042-95) WHICH ALLOWED A 50 FOOT TALL, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 410 North Eastern Avenue (APN 139-36-210-003), C-1 (Limited Commercial) Zone, Ward 3 (Reese).

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – APPROVED** subject to conditions, deleting Condition 3 until the property is developed and adding the following condition:

- Applicant shall repair the existing fence.
- UNANIMOUS

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development, stated that this is a two-year review on the 30 foot tall off-premise advertising billboard sign. There is a car wash and convenience store on the western portion of the site; the eastern portion is undeveloped, which is where the billboard sign is located. The area immediately surrounding has not substantially changed since the approval of the previous two-year review. Billboards are not generally conducive to a newly developed area



PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 5 – RQR-5164

**MINUTES – Continued:**

and not appropriate to the use and perpetuity. However, staff recommended approval with an additional two-year review.

SCOTT NAFTZGER, Lamar Outdoor Advertising, 1863 Helm Drive, accepted staff's recommendations with the exception of Condition 3. MR. NAFTZGER requested the deletion of Condition 3, as the sign has been well maintained. He felt that redesigning the structure would be an undue hardship.

SHARON HABERFELD, S & S #2, LLC, owner of the property, agreed to staff's conditions.

COMMISSIONER McSWAIN questioned if Condition 3 should remain. Photos depicted the fencing was in disrepair, and she asked MS. HABERFELD if the fencing had been repaired. MS. HABERFELD responded that fencing was done towards the rear of the property. When the property was purchased, MS. HABERFELD was concerned with safety issues, as there is housing behind the property with many children in the area. The children climb the fence and cut across the lot to get to the convenience store. In addition, individuals have used the rear area of the lot to throw over their unwanted furniture, which then damages the top of the poles on the fencing. The fencing is repaired once a year. She emphasized that there are many vacant lots in the neighborhood that do not have fencing, yet they make efforts to maintain their fencing.

COMMISSIONER McSWAIN responded by stating MS. HABERFELD'S comments convinced her even more that if this property was developed, then some of these ongoing problems would be alleviated. One revision being looked at under the Code is not allowing billboards on undeveloped properties. She then requested a condition be added that the fencing should be repaired. MR. NAFTZGER agreed to the added condition and then confirmed for MS. HABERFELD that Lamar Outdoor Advertising would be responsible for repairing the fencing.

MS. HABERFELD then stated that along the side of the property, the fencing is Nevada Department of Transportation (NDOT). There is an area that looked like someone intentionally cut the fence. She reported this to NDOT and was advised against doing any repairs or modifications, and MR. NAFTZGER added that he was advised of the same or his permits would be taken away. CHAIRMAN TRUESDELL and DEPUTY CITY ATTORNEY BRYAN SCOTT clarified that if the fencing is NDOT, then it is their responsibility; if it is private fencing, then MR. NAFTZGER'S commitment to repair the fencing would be valid.

COMMISSIONER McSWAIN stated that she would like Condition 3 to remain as is. DEPUTY CITY ATTORNEY SCOTT then responded that it would be difficult for the applicant to have something equivalent to an existing on-site building when there is none. MR. LEOBOLD stated that there

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 5 – RQR-5164

**MINUTES – Continued:**

is a car wash and convenience store on the site, but the undeveloped portion of the site is where the billboard is located. He added that this condition is standard with applications that require reviews in an effort to try and improve the appearance of billboards. COMMISSIONER McSWAIN then stated that she would accept removing Condition 3 until the property is developed.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(6:26 – 6:34)

**1-766**

**CONDITIONS:**

Planning and Development

1. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.
2. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
3. The off-premise advertising sign (billboard) supporting structure shall be designed to finish materials to complement the existing on-site building. The entire face-area of both sides of the off-premise advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.
4. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.
5. All City Code requirements and design standards of all City Departments shall be satisfied.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**RQR-5165 - REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - APPLICANT: LAMAR ADVERTISING - OWNER: LIPKIN 1992 TRUST** - Required Two Year Review of an Approved Special Use Permit (U-104-02) WHICH ALLOWED A 40 FOOT TALL, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1501 Western Avenue (APN 162-04-605-005), M (Industrial) Zone, Ward 1 (Moncrief).

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED** subject to conditions on Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131] and subject to conditions and deleting Condition 1 on Item 6 [RQR-5165] – **UNANIMOUS** with McSWAIN abstaining on Item 16 and Item 17, as her company is presently under contract with the applicant, Ryland Homes

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 6 – RQR-5165

**MINUTES – Continued:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 6 [RQR-5165], Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131].

COMMISSIONER McSWAIN requested pulling Item 9 [RQR-5169] from One Motion One Vote.

DEPUTY CITY ATTORNEY BRYAN SCOTT requested staff to reiterate the items that were being pulled from One Motion One Vote. GARY LEOBOLD, Planning and Development, stated that Item 5, Item 7, Item 8 and Item 11 would be pulled from One Motion One Vote so discussions could take place on these items. Item 6, Item 9 and Item 10 will remain on the One Motion One Vote items. He also confirmed for CHAIRMAN TRUESDELL that staff had received a letter from the applicant agreeing to the conditions for Item 15.

CHAIRMAN TRUESDELL then read into record the items that were One Motion One Vote as previously stated above.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 6 [RQR-5165], Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131].

(6:21 – 6:26)

**1-591**

**CONDITIONS:**

Planning and Development

1. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. The Special Use Permit shall be reviewed in two years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.
3. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19A including, but not limited to, distance separation requirements, or (3) a Variance

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 6 – RQR-5165

**CONDITIONS – Continued:**

to the applicable standards of Title 19A has been approved for the new structure by the City Council.

4. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.
5. The entire face-area of both sides of the off-premise advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.
6. All City Code requirements and design standards of all City departments must be satisfied.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**RQR-5167 - REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - APPLICANT: LAMAR ADVERTISING - OWNER: HAL-STAN, INC.** - Required Two Year Review of an Approved Special Use Permit (U-0038-95) WHICH ALLOWED A 40 FOOT TALL, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 3500 North Rancho Drive (APN 138-12-710-044), C-1 (Limited Commercial) Zone, Ward 6 (Mack).

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – APPROVED** subject to conditions and amending the following condition:

3. The entire face-area of both sides of the off-premise advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.  
– Motion carried with STEINMAN voting NO

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development, stated that the area immediately surrounding the site has not substantially changed since the approval of the previous two-year review. Staff recommended approval with an additional two-year review.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 7 – RQR-5167

**MINUTES – Continued:**

There is a restaurant and parking lot on the site, and the billboard sign is located where a portion of the site is undeveloped.

SCOTT NAFTZGER, Lamar Outdoor Advertising, 1863 Helm Drive, requested removal of Condition 3.

COMMISSIONER McSWAIN commented that there is general change occurring on Rancho Road and asked if the applicant would be willing to improve the quality of the signage. MR. NAFTZGER then asked for clarification on the wording in Condition 3 relating to “shall be designed to finish materials” and asked if that entailed repainting or redesigning the entire structure. FLINN FAGG, Planning and Development, gave an example of such billboard signage located at the Premium Outlets adjacent to I-15 Freeway. These billboards utilize similar architectural finishes, materials and colors like the adjacent Commercial Complex. MR. NAFTZGER responded that meeting this kind of condition would be impossible without digging up the footing and rebuilding the sign from the ground up. Adding these types of embellishments would increase the wind load and moreover, the cost involved is approximately \$60,000.00.

COMMISSIONER EVANS asked if the last sentence of Condition 3 was correct. CHAIRMAN TRUESDELL confirmed and added that if the sign is a “V” shape, it cannot have exposed backing. COMMISSIONER EVANS’ concern was that this portion of the condition appeared to be a separate issue in itself. He felt that it was not necessary to require the removal and complete reconstruction of the sign. However, the sign industry should be aware that there is distaste for much of the signage throughout Las Vegas. He does not necessarily oppose billboard signage but disapproves of the poor quality of maintenance on the signage, such as debris and fencing. He does not want to delete Condition 3 unless it is clearly understood what is being deleted. MR. NAFTZGER responded that deleting the first sentence of Condition 3 would be acceptable because 95% of their signs are the newer ones and have enclosures; the other 5% would probably be the ones that were purchased from different companies.

MR. LEOBOLD confirmed for COMMISSIONER STEINMAN that finishing materials also dealt with how the structure is painted. COMMISSIONER STEINMAN’S opinion is that the billboard should not be on this portion of Rancho Road. However, if it is to remain, then he felt that the billboard sign should look nice and compatible with the adjacent building on the site.

CHAIRMAN TRUESDELL agreed with previous comments regarding limiting billboards within the Valley and ensuring that they are in conformance. He supported staff’s recommendation for approval with the two-year review. Even if the first sentence of Condition 3 is deleted, he felt

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 7 – RQR-5167

**MINUTES – Continued:**

that appropriate conditions were in place to maintain control of the existing sign. He then confirmed for COMMISSIONER DAVENPORT that the clause could be added on again at the next review. MR. LEOBOLD then verified with CHAIRMAN TRUESDELL that the first sentence of Condition 3 would be deleted.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(6:34 – 6:42)

**1-766**

**CONDITIONS:**

Planning and Development

1. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.
2. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
3. The off-premise advertising sign (billboard) supporting structure shall be designed to finish materials to complement the existing on-site building. The entire face-area of both sides of the off-premise advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.
4. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.
5. All City Code requirements and design standards of all City Departments shall be satisfied.



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**RQR-5168 - REQUIRED ONE YEAR REVIEW - PUBLIC HEARING - APPLICANT: LAMAR ADVERTISING – OWNER: Z J & R PROPERTIES, LLC** - Required One Year Review of an Approved Special Use Permit (U-0043-94) WHICH ALLOWED A 55 FOOT TALL, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 3920 West Charleston Boulevard (APN 139-31-801-018), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – DENIED – UNANIMOUS**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development, stated that billboard sign is located on the northwest corner of Charleston Boulevard and Valley View Boulevard. There is an additional billboard sign on the northeast corner of this same site. Staff felt that the continuance of an off-premise advertising billboard sign in this area is inappropriate because of the opening of the Las Vegas Springs Preserve to the east, a 110-acre public facility, representing substantial change in the immediate area. The billboard use is in conflict with an assertion of the Master Plan 2020 that “the visual image of the ‘streetscape’ and ‘roadscape’ environments is perhaps the most

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 8 – RQR-5168

**MINUTES – Continued:**

important single factor in the perception of quality of life for both the resident and the visitor to Las Vegas”.

SCOTT NAFTZGER, Lamar Outdoor Advertising, 1863 Helm Drive, requested approval of the application with the deletion of the first sentence on Condition 3.

Along with staff’s arguments for denial, COMMISSIONER McSWAIN emphasized that this billboard is located on Charleston Boulevard where it is in competition with other retail operations and is not appropriate. She would not support this application and emphatically would not approve of the applicant’s request to amend Condition 3.

COMMISSIONER STEINMAN commented that he previously opposed the billboard signage approved on Valley View Boulevard near this location, and he concurred with COMMISSIONER McSWAIN’S comments. He stated he would remain consistent and not support this application or the similar application on the agenda, Item 11 [RQR-5171].

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(6:42 – 6:45)

**1-1320**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**RQR-5169 - REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - APPLICANT: LAMAR ADVERTISING - OWNER: STEVE & RAYNELL PHILLIPS** - Required Two Year Review of an Approved Special Use Permit (U-0027-95) WHICH ALLOWED A 40 FOOT TALL, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 6651 West Charleston Boulevard (APN 163-02-104-001), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation], Ward 1 (Moncrief).

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – DENIED – UNANIMOUS**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development, stated that the billboard sign is a non-conforming use on this property. Title 19.14.100.C.11 requires a minimum separation of 300 feet between an off-premise advertising (billboard) sign and any “R” (Residential) or “U” (Undeveloped) zone. These minimum separation requirements are not met, as the billboard is located on a parcel zoned U (Undeveloped), and is situated only 116 feet away from the property line of an R-3 zoned parcel.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 9 – RQR-5169

**MINUTES – Continued:**

In this instance, the vicinity has not changed substantially in the past two years. Therefore, staff recommended approval with an additional two-year review. MR. LEOBOLD added that the site is currently vacant.

SCOTT NAFTZGER, Lamar Outdoor Advertising, 1863 Helm Drive, agreed with staff's recommendations. MR. LEOBOLD then verified for MR. NAFTZGER that Condition 3 has been deleted. MR. LEOBOLD added that in earlier drafts of staff's reports, Condition 3 was erroneously placed on some of the applications that dealt with billboards on vacant lots. This has been rectified and the condition has been removed from such applications.

COMMISSIONER McSWAIN briefly commented that she never supported this particular billboard even though it was approved at City Council. The billboard is located within a retail area and on a vacant lot. She felt that staff's assessment of the application was accurate, and she would not support this application.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(6:45 – 6:48)

**1-1444**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**RQR-5170 - REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - APPLICANT: LAMAR ADVERTISING - OWNER: BOYS CLUBS OF CLARK COUNTY, INC. -** Required Two Year Review of an Approved Special Use Permit (U-0041-95) WHICH ALLOWED A 55 FOOT TALL, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 2800 Marlin Avenue (APN 139-36-213-001), R-4 (High Density Residential) Zone, Ward 3 (Reese).

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED** subject to conditions on Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131] and subject to conditions and deleting Condition 1 on Item 6 [RQR-5165] – **UNANIMOUS** with McSWAIN abstaining on Item 16 and Item 17, as her company is presently under contract with the applicant, Ryland Homes

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 10 – RQR-5170

**MINUTES – Continued:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 6 [RQR-5165], Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131].

COMMISSIONER McSWAIN requested pulling Item 9 [RQR-5169] from One Motion One Vote.

DEPUTY CITY ATTORNEY BRYAN SCOTT requested staff to reiterate the items that were being pulled from One Motion One Vote. GARY LEOBOLD, Planning and Development, stated that Item 5, Item 7, Item 8 and Item 11 would be pulled from One Motion One Vote so discussions could take place on these items. Item 6, Item 9 and Item 10 will remain on the One Motion One Vote items. He also confirmed for CHAIRMAN TRUESDELL that staff had received a letter from the applicant agreeing to the conditions for Item 15.

CHAIRMAN TRUESDELL then read into record the items that were One Motion One Vote as previously stated above.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 6 [RQR-5165], Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131].

(6:21 – 6:26)

**1-591**

**CONDITIONS:**

Planning and Development

1. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.
2. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 10 – RQR-5170

**CONDITIONS – Continued:**

3. The off-premise advertising sign (billboard) supporting structure shall be designed to finish materials to complement the existing on-site building. The entire face-area of both sides of the off-premise advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.
4. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.
5. All City Code requirements and design standards of all City Departments shall be satisfied.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**RQR-5171 - REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - APPLICANT: LAMAR ADVERTISING - OWNER: Z J & R PROPERTIES, LLC** - Required Two Year Review of an Approved Special Use Permit (U-0043-94) WHICH ALLOWED A 55 FOOT TALL, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 3900 West Charleston Boulevard (APN 139-31-801-018), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – DENIED – UNANIMOUS**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development, stated that staff recommended denial for the same reasons as staff's comments on Item 8 [RQR-5168], particularly that an additional billboard sign is located on the northwest corner of the same site.



PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 11 – RQR-5171

**MINUTES – Continued:**

SCOTT NAFTZGER, Lamar Outdoor Advertising, 1863 Helm Drive, requested approval of the application with the deletion of the first sentence on Condition 3.

COMMISSIONER McSWAIN agreed with staff's recommendation for denial.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(6:48 – 6:50)

**1-1552**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**MOD-5267 - MAJOR MODIFICATION - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS** - Request for a Major Modification to the Las Vegas Medical District PLAN IN ORDER TO REDUCE HEIGHT AND SETBACK RESTRICTIONS ON MIXED-USE DEVELOPMENTS, LIST THEM AS A SPECIFIC USE ON THE TABLE OF PERMITTED USES, PROVIDE FOR THE INCORPORATION OF THE LIVE/WORK ORDINANCE, AND CLARIFY THE TABLE OF PERMITTED USES TO UPDATE TERMINOLOGY, Ward 5 (Weekly).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report

**MOTION:**

**NIGRO – APPROVED** subject to conditions on Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131] and subject to conditions and deleting Condition 1 on Item 6 [RQR-5165] – **UNANIMOUS** with McSWAIN abstaining on Item 16 and Item 17, as her company is presently under contract with the applicant, Ryland Homes

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 12 – MOD-5267

**MINUTES – Continued:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 6 [RQR-5165], Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131].

COMMISSIONER McSWAIN requested pulling Item 9 [RQR-5169] from One Motion One Vote.

DEPUTY CITY ATTORNEY BRYAN SCOTT requested staff to reiterate the items that were being pulled from One Motion One Vote. GARY LEOBOLD, Planning and Development, stated that Item 5, Item 7, Item 8 and Item 11 would be pulled from One Motion One Vote so discussions could take place on these items. Item 6, Item 9 and Item 10 will remain on the One Motion One Vote items. He also confirmed for CHAIRMAN TRUESDELL that staff has received a letter from the applicant agreeing to the conditions for Item 15.

CHAIRMAN TRUESDELL then read into record the items that were One Motion One Vote as previously stated above.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 6 [RQR-5165], Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131].

(6:21 – 6:26)

**1-591**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SDR-5190 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: MG PROPERTIES - OWNER: MARTIN W. GREENWALD -** Request for a Site Development Plan Review FOR A 7,660 SQUARE FOOT COMMERCIAL ADDITION AND WAIVERS FROM PERIMETER LANDSCAPING REQUIREMENTS on 2.0 acres adjacent to the northeast corner of Rancho Drive and Lone Mountain Road (APN 125-35-401-006), C-2 (General Commercial) Zone, Ward 6 (Mack).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED** subject to conditions on Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131] and subject to conditions and deleting Condition 1 on Item 6 [RQR-5165] – **UNANIMOUS** with McSWAIN abstaining on Item 16 and Item 17, as her company is presently under contract with the applicant, Ryland Homes

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 13 – SDR-5190

**MINUTES – Continued:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 6 [RQR-5165], Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131].

COMMISSIONER McSWAIN requested pulling Item 9 [RQR-5169] from One Motion One Vote.

DEPUTY CITY ATTORNEY BRYAN SCOTT requested staff to reiterate the items that were being pulled from One Motion One Vote. GARY LEOBOLD, Planning and Development, stated that Item 5, Item 7, Item 8 and Item 11 would be pulled from One Motion One Vote so discussions could take place on these items. Item 6, Item 9 and Item 10 will remain on the One Motion One Vote items. He also confirmed for CHAIRMAN TRUESDELL that staff had received a letter from the applicant agreeing to the conditions for Item 15.

CHAIRMAN TRUESDELL then read into record the items that were One Motion One Vote as previously stated above.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 6 [RQR-5165], Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131].

(6:21 – 6:26)

**1-591**

**CONDITIONS:**

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations dated September 7, 2004, except as amended by conditions herein.
3. The proposed use of the building addition shall not contain a sexually oriented business as defined by Title 19. Conversion of the use to a sexually oriented business shall be cause for revocation of a business license. The building addition shall not have internal access to the existing sexually oriented business.
4. The following changes shall be made to the plans and approved by staff of the Department of Planning and Development prior to the issuance of a building permit.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 13 – SDR-5190

**CONDITIONS – Continued:**

The rear property line wall shall consist of a solid decorative block wall with at least 20 percent contrasting materials, or alternatively, evergreen trees planted 20 feet on center shall be planted along the proposed wall/fence.

A solid gate shall be provided to the emergency access at the rear of the property.

A detail of the trash enclosure shall be illustrated and be provided with a roofed enclosure.

A revised landscape plan shall show the total number of trees by variety and show a maximum of 15% of the total landscaped area as turf.

The handicapped parking spaces shall reflect the proper design standards according to Title 19.

5. The 10-foot wide multi-use transportation trail path shall be relocated to abut the front property line on private property, and the curbs along the access drive shall be ramped to provide a smooth transition of the trail across the drive. The property owner shall be responsible for maintenance of the trail path.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SDR-5198 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: WILTON PARTNERS ARVILLE NO. 8, LLC** - Request for a Site Development Plan Review FOR A 11,739 SQUARE FOOT COMMERCIAL BUILDING AND WAIVERS OF BUILDING PLACEMENT FOUNDATION LANDSCAPING ALONG THE SIDEWALK, AND LANDSCAPE BUFFER STANDARDS on 1.49 acres on the west side of Arville Street, approximately 250 feet north of Sahara Avenue, (APN 162-06-412-003), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED** subject to conditions on Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131] and subject to conditions and deleting Condition 1 on Item 6 [RQR-5165] – **UNANIMOUS** with McSWAIN abstaining on Item 16 and Item 17, as her company is presently under contract with the applicant, Ryland Homes

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 14 – SDR-5198

**MINUTES – Continued:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 6 [RQR-5165], Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131].

COMMISSIONER McSWAIN requested pulling Item 9 [RQR-5169] from One Motion One Vote.

DEPUTY CITY ATTORNEY BRYAN SCOTT requested staff to reiterate the items that were being pulled from One Motion One Vote. GARY LEOBOLD, Planning and Development, stated that Item 5, Item 7, Item 8 and Item 11 would be pulled from One Motion One Vote so discussions could take place on these items. Item 6, Item 9 and Item 10 will remain on the One Motion One Vote items. He also confirmed for CHAIRMAN TRUESDELL that staff had received a letter from the applicant agreeing to the conditions for Item 15.

CHAIRMAN TRUESDELL then read into record the items that were One Motion One Vote as previously stated above.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 6 [RQR-5165], Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131].

(6:21 – 6:26)

**1-591**

**CONDITIONS:**

Planning and Development

1. This Site Development Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations date stamped 09/07/04, except as amended by conditions herein.
3. The site plan shall be revised to reflect the conditions herein and approved by staff of the Planning and Development Department prior to the time application is made for a building permit. A Waiver in the placement of the building at the front of the lot is approved by this condition.



PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 14 – SDR-5198

**CONDITIONS – Continued:**

4. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
5. The landscape plan shall be revised and approved by staff of the Planning and Development Department prior to the time application is made for a building permit. Plantings shall be provided around the foundation of the building in locations that demonstrate closer compliance with the intent of the Landscape, Wall and Buffer Standards. This is a denial of a request for a complete Waiver in the placement of landscaping around the foundation of the building in support of partial landscaping in strategic locations around the building. However, this condition is approval of a request for a Waiver in the zone width for perimeter landscaping in the extreme northwest corner of the site.
6. Landscaping and a permanent underground sprinkler system shall be installed and shall be permanently maintained in a satisfactory manner. (Failure to properly maintain required landscaping and underground sprinkler systems is cause for revocation of a business license.)
7. A sidewalk shall be provided to connect the sidewalk along Arville Street to the sidewalk around the proposed building. The sidewalk shall be handicap accessible.
8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wall pack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. All lighting shall be directed away or screened from the adjacent residential property.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 14 – SDR-5198

**CONDITIONS – Continued:**

12. All City Code requirements and design standards of all City departments must be satisfied.
13. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

Public Works

14. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All new or modifications to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
15. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the west prior to the issuance of any permits.
16. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
17. Site development to comply with all applicable conditions of approval for Z-57-87 and all other subsequent site-related actions.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**ROC-5347 - REVIEW OF CONDITION - NON-PUBLIC HEARING - APPLICANT/OWNER: PH GSA, LLC** - Request for a Review of Conditions Number 2 and 4 of an approved Site Development Plan Review (SDR-2037) WHICH REQUIRED PARKING AND LANDSCAPING; AND CONFORMANCE TO THE SUBMITTED SITE PLAN TO ALLOW FOR PARKING TO BE PROVIDED OFF-SITE, LANDSCAPING TO BE PROVIDED WITH FUTURE PHASES AND THE OFFICE BUILDING TO VARY FROM THE APPROVED PLANS FOR A PROPOSED 84,201 SQUARE FOOT OFFICE BUILDING on 5.11 acres adjacent to the northeast corner of Grand Central Parkway and City Parkway (APN 139-27-410-006, 007 and 008), PD (Planned Development) Zone, Ward 5 (Weekly).

**P.C.: FINAL ACTION**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED** subject to conditions on Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131] and subject to conditions and deleting Condition 1 on Item 6 [RQR-5165] – **UNANIMOUS** with McSWAIN abstaining on Item 16 and Item 17, as her company is presently under contract with the applicant, Ryland Homes

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 15 – ROC-5347

**MINUTES – Continued:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 6 [RQR-5165], Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131].

COMMISSIONER McSWAIN requested pulling Item 9 [RQR-5169] from One Motion One Vote.

DEPUTY CITY ATTORNEY BRYAN SCOTT requested staff to reiterate the items that were being pulled from One Motion One Vote. GARY LEOBOLD, Planning and Development, stated that Item 5, Item 7, Item 8 and Item 11 would be pulled from One Motion One Vote so discussions could take place on these items. Item 6, Item 9 and Item 10 will remain on the One Motion One Vote items. He also confirmed for CHAIRMAN TRUESDELL that staff had received a letter from the applicant agreeing to the conditions for Item 15.

CHAIRMAN TRUESDELL then read into record the items that were One Motion One Vote as previously stated above.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 6 [RQR-5165], Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131].

(6:21 – 6:26)

**1-591**

**CONDITIONS:**

Planning and Development

1. Conditions of Approval Numbers 2 and 4 of Site Development Plan Review SDR-2037 are hereby eliminated.
2. The applicant shall submit a Site Development Plan Review for administrative approval by the Planning and Development Department for the temporary parking lot and the parking lot shall be constructed prior to the issuance of a Certificate of Occupancy for the subject office building.
3. Conformance to all other applicable Conditions of Approval for Site Development Plan Review SDR-2037.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**VAC-5130 - VACATION - PUBLIC HEARING - APPLICANT: RYLAND HOMES - OWNER: CLIFFS EDGE, LLC** - Petition to Vacate public rights-of-way generally located west of Puli Road, north of Centennial Parkway, Ward 6 (Mack).

**SET DATE: 11/03/04**

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED** subject to conditions on Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131] and subject to conditions and deleting Condition 1 on Item 6 [RQR-5165] – **UNANIMOUS** with McSWAIN abstaining on Item 16 and Item 17, as her company is presently under contract with the applicant, Ryland Homes

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 16 – VAC-5130

**MINUTES – Continued:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 6 [RQR-5165], Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131].

COMMISSIONER McSWAIN requested pulling Item 9 [RQR-5169] from One Motion One Vote.

DEPUTY CITY ATTORNEY BRYAN SCOTT requested staff to reiterate the items that were being pulled from One Motion One Vote. GARY LEOBOLD, Planning and Development, stated that Item 5, Item 7, Item 8 and Item 11 would be pulled from One Motion One Vote so discussions could take place on these items. Item 6, Item 9 and Item 10 will remain on the One Motion One Vote items. He also confirmed for CHAIRMAN TRUESDELL that staff had received a letter from the applicant agreeing to the conditions for Item 15.

CHAIRMAN TRUESDELL then read into record the items that were One Motion One Vote as previously stated above.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 6 [RQR-5165], Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131].

(6:21 – 6:26)

**1-591**

**CONDITIONS:**

1. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study.
2. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
3. All development shall be in conformance with code requirements and design standards of all City Departments.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 16 – VAC-5130

**CONDITIONS – Continued:**

4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
5. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**VAC-5131 - VACATION - PUBLIC HEARING - APPLICANT: RYLAND HOMES - OWNER: CLIFFS EDGE, LLC -** Petition to Vacate U. S. Government Patent Reservations generally located west of Puli Road, north of Centennial Parkway, Ward 6 (Mack).

**SET DATE: 11/03/04**

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED** subject to conditions on Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131] and subject to conditions and deleting Condition 1 on Item 6 [RQR-5165] – **UNANIMOUS** with McSWAIN abstaining on Item 16 and Item 17, as her company is presently under contract with the applicant, Ryland Homes

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.



PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 17 – VAC-5131

**MINUTES – Continued:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 6 [RQR-5165], Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131].

COMMISSIONER McSWAIN requested pulling Item 9 [RQR-5169] from One Motion One Vote.

DEPUTY CITY ATTORNEY BRYAN SCOTT requested staff to reiterate the items that were being pulled from One Motion One Vote. GARY LEOBOLD, Planning and Development, stated that Item 5, Item 7, Item 8 and Item 11 would be pulled from One Motion One Vote so discussions could take place on these items. Item 6, Item 9 and Item 10 will remain on the One Motion One Vote items. He also confirmed for CHAIRMAN TRUESDELL that staff had received a letter from the applicant agreeing to the conditions for Item 15.

CHAIRMAN TRUESDELL then read into record the items that were One Motion One Vote as previously stated above.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 6 [RQR-5165], Item 10 [RQR-5170], Item 12 [MOD-5267], Item 13 [SDR-5190], Item 14 [SDR-5198], Item 15 [ROC-5347], Item 16 [VAC-5130] and Item 17 [VAC-5131].

(6:21 – 6:26)

**1-591**

**CONDITIONS:**

1. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Relinquishment of Interest for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study.
2. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Relinquishment of Interest.
3. All development shall be in conformance with code requirements and design standards of all City departments.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 17 – VAC-5131

**CONDITIONS – Continued:**

4. The Order of Relinquishment of Interest shall not be recorded until all of the above conditions have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
5. If the Order of Relinquishment of Interest is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**ABEYANCE - ZON-4991 - PUBLIC HEARING - APPLICANT: RANDY BLACK, JR. - OWNER: DURANGO TOWN CENTER, LLC AND JIM MARSH AMERICAN CORPORATION - Request for a Rezoning FROM: U (UNDEVELOPED) [TC (TOWN CENTER) GENERAL PLAN DESIGNATION] TO: T-C (TOWN CENTER), on 4.79 acres adjacent to the southeast corner of Regena Avenue and Riley Street (APN 125-29-502-010), Ward 6 (Mack).**

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED subject to conditions and amending the following condition:**

6. *The only allowed private driveway to Durango Drive as presented on the accompanying Site Plan dated October 15, 2004 from this site will be designed with a deceleration lane and bus stop per Standard Drawing 234.3.*

**– UNANIMOUS**

**To be heard by the City Council 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 18 [ZON-4991] and Item 19 [SDR-4985].

GARY LEOBOLD, Planning and Development, gave a brief overview of the project. He pointed out that this application was previously held in abeyance to allow the applicant to redesign the project. The request is for a Rezoning from U (Undeveloped) Zone [TC (Town Center) General Plan Designation] to T-C (Town Center) on approximately 4.79 acres located at

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 18 – ZON-4991

**MINUTES – Continued:**

the southeast corner of Regena Avenue and Riley Street. The remaining portion of the site is already zoned TC (Town Center). Staff recommended approval on the rezoning, as it is consistent with this land use designation. Staff also recommended approval on the Site Plan. Even though there were some access issues after redesigning the project, the Site Plan does meet all other standards of Title 18 and Town Center Development Standards Manual. In addition, the proposed project would be consistent with existing and proposed development around the site.

MR. LEOBOLD pointed out that on Item 18 [ZON-4991], Condition 6 stipulated there would be no driveway access to Durango Drive.

GEORGE GARCIA, 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014, thanked staff and the Commission for their support and assistance in working with the applicant on making their goals work within the Town Center. He then stated that the proposed project would be a 300,000 square foot business park. Included in the project is a medical office, professional offices, and retail development, which these services would be in conjunction with the upcoming hospital north of this site. MR. GARCIA added that an attempt was made to create a campus atmosphere by clustering the buildings together, while keeping the attractive streetscape scenery. The retail has been incorporated within the project; there is no direct access from the retail, as it is internally served within the business park itself.

COMMISSIONER McSWAIN verified with MR. GARCIA that the request for approval is for the revised Site Plan, with the revised conditions. COMMISSIONER McSWAIN stated that having no access onto Durango Drive may not necessarily reduce the amount of traffic on Durango Drive, as the traffic would still exist. She would rather see a project that had good ingress/egress, so there would be less stress on individuals entering and existing the project. In the past, concessions have been made on other projects cutting off the access points, as a means to protect neighborhoods. However, access points are expected to be on all sides of a project this size. She would support the proposed project with the deletion of Condition 6 and Condition 21.

VICE CHAIRMAN NIGRO concurred with COMMISSIONER McSWAIN'S comments. He then asked if there were any safety issues with the single driveway on Durango Drive. DAVID GUERRA, Public Works, replied there are none. The history on this site involved past meetings between officials and residents in the area regarding future development and not allowing driveways such as on the proposed project. Should the Commission approve of deleting the condition, Public Works requested that another condition be added to state "the driveway shown on the plan would include a deceleration lane". In addition, MR. GUERRA also requested that conditions regarding the traffic impact analysis study and the drainage study be added on Item 19 [SDR-4985], because the zoning involves only a small portion of the project.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 18 – ZON-4991

**MINUTES – Continued:**

MR. GARCIA concurred. VICE CHAIRMAN NIGRO then stated that the deceleration lane would alleviate his concern with traffic entering and exiting the proposed project. CHAIRMAN TRUESDELL commented that as the retail portion develops, it would be a concern if Waivers are then requested for additional driveways. He felt that the single driveway and the addition of the deceleration lane would be appropriate for a project of this scale.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 18 [ZON-4991] and Item 19 [SDR-4985].

(6:59-7:13)  
**1-2005**

**CONDITIONS:**

Planning and Development

1. Site Development Plan Review (SDR-4985) application approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.
2. This Rezoning request shall go direct to Ordinance.

Public Works

3. Dedicate 50 feet of half street right-of-way adjacent to this site for Grand Montecito Parkway where such does not exist, 30 feet of right-of-way for Regena Avenue, 30 feet of right-of-way for Riley Street a 15 foot radius at the southeast corner of Regena Avenue and Riley Street, and dedicate or obtain appropriate right-of-way of the entire cul-de-sac for the proposed termination of Regena Avenue. Dedicate or obtain dedication of the area needed to connect Riley Street to the Durango Drive alignment at a ninety degree angle and dedicate or obtain dedication of the area needed to connect Grand Montecito Parkway to the Durango Drive alignment at a ninety degree angle with all radii and designs meeting American Association of State Highway and Transportation Officials (AASHTO) criteria for a normal crowned street. Also dedicate all additional rights-of-way required by Standard Drawing #201.1 for turning lanes and #234.1 or 234.3 and #234.2 for bus turnouts at the intersection of Grand Montecito Parkway and Durango Drive prior to or concurrent with the commencement of on-site development activities.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 18 – ZON-4991

**CONDITIONS – Continued:**

4. Dedicate portions of the BLM right-of-way grant N-74262 recorded as 20030529-01737 for Durango Drive as required by the Department of Public Works prior to the issuance of any permits.
5. Construct half-street improvements including appropriate overpaving on Regena Avenue, Riley Street and Grand Montecito Parkway adjacent to this site concurrent with development. Also construct turning lanes and bus turnouts adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). This site shall be responsible for all, if any, half-street improvements on Durango Drive that are not constructed by a special or capital improvement project.
6. No private driveways will be allowed access to Durango Drive from this site.
7. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
8. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 18 – ZON-4991

**CONDITIONS – Continued:**

9. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**

**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**ABEYANCE - SDR-4985 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4991 - PUBLIC HEARING - APPLICANT: RANDY BLACK, JR. - OWNER: DURANGO TOWN CENTER, LLC AND JIM MARSH AMERICAN CORPORATION - Request for a Site Development Plan Review FOR A MEDICAL/PROFESSIONAL/RETAIL DEVELOPMENT on 22.31 acres adjacent to the southeast corner of Regena Avenue and Riley Street (APN 125-29-502-010 and 125-29-510-006, 125-29-601-002 and 020), U (Undeveloped) Zone [T-C (Town Center) General Plan Designation] and TC (Town Center) [PROPOSED: T-C (Town Center)] Ward 6 (Mack).**

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED subject to conditions and amending the following condition:**

21. *The only allowed private driveway to Durango Drive as presented on the Site Plan dated October 15, 2004 from this site will be designed with a deceleration lane and bus stop per Standard Drawing 234.3.*

**and adding the following conditions:**

- *A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas*



PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 19 – SDR-4985

**MOTION – Continued:**

*recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.*

- *A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.*

– UNANIMOUS

To be heard by the City Council 11/17/2004

**MINUTES:**

See Item 18 [ZON-4991] for related discussion on Item 18 [ZON-4991] and Item 19 [SDR-4985].

(6:59-7:13)  
1-2005

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004

Planning and Development Department

Item 19 – SDR-4985

**CONDITIONS:**

Planning and Development

1. A Rezoning [ZON-4991] to a T-C (Town Center) Zoning District approved by the City Council.
2. The applicant shall meet with staff to develop an address plan prior to permits. A copy of the approved address plan shall be submitted with any future building permit applications relayed to the site.
3. Prior to the issuance of building permits of non-residential projects, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 15% of the total landscaped area as turf. This revised plan shall also demonstrate conformance to all landscape, wall and buffer standards of the Code as well as the Town Center Development Standards.
4. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
5. All development shall be in conformance with the site plan and building elevations, date stamped October 15, 2004, except as amended by conditions herein, including the required median on Durango Drive.
6. The standards for this development shall include the following: minimum distance between buildings of 10 feet and building height shall not exceed two stories or 35 feet, whichever is less.
7. Air conditioning units shall not be mounted on rooftops.
8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
9. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated. Wall height shall be limited to 8 feet.
10. All City Code requirements and design standards of all City departments must be satisfied. The applicant shall demonstrate conformance to all handicapped parking standards of the City.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 19 – SDR-4985

**CONDITIONS – Continued:**

Public Works

11. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.
12. All pads comprising this overall site must always allow for the perpetual common access between the various parcels/owners within the proposed commercial subdivision area.
13. Show and annotate the existing eight inch sewer main and the 20 foot wide public sewer easement in which it is located, along the Azure Drive alignment, within this site.
14. All landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
15. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-4991 and all other subsequent site-related actions.
16. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
17. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first
18. Dedicate 50 feet of half street right-of-way adjacent to this site for Grand Montecito Parkway where such does not exist, 30 feet of right-of-way for Regena Avenue, 30 feet of right-of-way for Riley Street a 15 foot radius at the southeast corner of Regena Avenue and Riley Street, and dedicate or obtain appropriate right-of-way of the entire cul-de-sac for the proposed termination of Regena Avenue. Dedicate or obtain dedication of the area needed to connect Riley Street to the Durango Drive alignment at a ninety degree angle and dedicate or obtain dedication of the area needed to connect Grand Montecito Parkway

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 19 – SDR-4985

**CONDITIONS – Continued::**

to the Durango Drive alignment at a ninety degree angle with all radii and designs meeting American Association of State Highway and Transportation Officials (AASHTO) criteria for a normal crowned street. Also dedicate all additional rights-of-way required by Standard Drawing #201.1 for turning lanes and #234.1 or 234.3 and #234.2 for bus turnouts at the intersection of Grand Montecito Parkway and Durango Drive prior to or concurrent with the commencement of on-site development activities.

19. Dedicate portions of the BLM right-of-way grant N-74262 recorded as 20030529-01737 for Durango Drive as required by the Department of Public Works prior to the issuance of any permits.
20. Construct half-street improvements including appropriate overpaving on Regena Avenue, Riley Street and Grand Montecito Parkway adjacent to this site concurrent with development. Also construct turning lanes and bus turnouts adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). This site shall be responsible for all, if any, half-street improvements on Durango Drive that are not constructed by a special or capital improvement project.
21. No private driveways will be allowed access to Durango Drive from this site.
22. Coordinate with the City Surveyor to determine whether a Merger and Resubdivision Map or other map is necessary; if such a Map is required, it should record prior to the issuance of any permits for this site.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**ABEYANCE - SDR-4978 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: LAS TUNIS, LLC - OWNER: CLARK COUNTY DEVELOPMENT CORPORATION** - Request for a Site Development Plan Review FOR A 5,660 SQUARE FOOT MEDICAL OFFICE BUILDING AND WAIVERS OF TRASH ENCLOSURE SEPARATION, FRONT YARD SETBACK, AND WIDTH OF PERIMETER LANDSCAPING on 0.45 acres on James Bilbray Drive, approximately 120 feet south of Smoke Ranch Road (APN 138-23-110-032), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to P-R (Professional Office and Parking), Ward 6 (Mack).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**EVANS – APPROVED subject to conditions – UNANIMOUS with DAVENPORT abstaining because he had previously met with MR. JONES and had conversations with him about a possible business relationship that would involve this item**

**MINUTES:**

VICE CHAIRMAN NIGRO declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, indicated this item was abeyed from the 9/23/2004 meeting so the applicant could make some changes to the Site Plan to address concerns that were noted. The building has been reduced from 5,660 square feet to 5,165 square feet and it now complies with all setback requirements. The trash enclosure has been moved away from residential properties and the perimeter landscaping complies with Code

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 20 – SDR-4978

**MINUTES – Continued:**

except for the area along the north property line. The applicant is requesting a waiver for the 5-foot planter and staff is supportive of the waiver due to the addition of trees. The applicant is proposing adequate landscaping.

ADRIAN JONES, 4750 West Flamingo Road, appeared on behalf of the applicant and concurred with all conditions.

VICE CHAIRMAN NIGRO declared the Public Hearing open.

(7:13-7:15)

**1-2597**

**CONDITIONS:**

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. The trash enclosure shall be covered as required by the Commercial Development Standards.
3. The applicant shall revise the landscape plan to provide 24-inch box trees 20 feet on center along James Bilbray Drive. The plan shall also be revised to provide one 24-inch box tree for every six spaces in the parking lot area. The revised plan shall be submitted to and approved by the Planning and Development Department prior to the approval of any building permits for this site.
4. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.
5. All development shall be in conformance with the submitted plans, date stamped August 9, 2004, except as amended by the recommended conditions.

Public Works

6. Dedicate an additional 10 feet of right-of-way for a total half-street width of 30 feet on James Bilbray Drive adjacent to this site prior to the issuance of any permits.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 20 – SDR-4978

**CONDITIONS – Continued:**

7. Construct all incomplete half-street improvements on James Bilbray Drive adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
8. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
9. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
10. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.
11. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.
12. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of construction drawings. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of construction drawings.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**ABEYANCE - GPA-5075 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: PN II INC. DBA PULTE HOMES - OWNER: USA - BUREAU OF LAND MANAGEMENT - Request to amend a portion of the Southwest Sector of the General Plan FROM: SC (SERVICE COMMERCIAL) AND ML (MEDIUM-LOW DENSITY RESIDENTIAL) TO M (MEDIUM DENSITY RESIDENTIAL) on 10.16 acres at 8324 West Charleston Boulevard (APN 138-33-401-015), Ward 2 (Wolfson).**

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report

**MOTION:**

**NIGRO – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining as her company is currently in litigation with a sister company of Pulte Homes**

**To be heard by City Council 11/17/2004**

**MINUTES**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 21 [GPA-5075], Item 22 [ZON-5076], Item 23 [SDR-5077] and Item 24 [VAR-5336].

GARY LEOBOLD, Planning and Development, requested that the Commission vote on the Variance (Item 24) prior to the Site Development Plan Review (Item 23), so the order of motion was Item 21 [GPA-5075], Item 22 [ZON-5076], Item 24 [VAR-5336] and then Item 23 [SDR-5077]. CHAIRMAN TRUESDELL concurred.



PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 21 – GPA-5075

**MINUTES – Continued:**

MR. LEOBOLD then stated that the request is to amend a portion of the Southwest Sector of the General Plan from SC (Service Commercial) and ML (Medium Low Density Residential) to M (Medium Density Residential). The change will allow a residential density of up to 25 dwelling units per acre. The request is appropriate for this site because it is adjacent to other designated M parcels to the north and west.

Eight residents attended a neighborhood meeting and expressed concerns with traffic and having a traffic study done and potentially having the proposed residential homes end up as rental units. Since then, the applicant has revised the Site Plan.

The zoning request is for a RPD-14 that would allow for the development of 140 apartment units in 20 buildings across a 10-acre site. RPD-14 is within the 25 unit per acre density range permitted by the Medium Density Residential Land Use Designation and the proposed rezoning is appropriate for this site as it is adjacent to existing apartment and commercial developments. The rezoning would allow for this infill site to be appropriately redeveloped.

Regarding the Variance, the applicant designed the site in such a way that it moved several of the buildings back from the R-CL (Residential - Compact Lot) area of single family development that is in the northwest quadrant of the site. However, Building 7 did not meet the Residential Adjacency Standards. In addition, residents did not want a pool and recreation area behind their block wall so the plan was revised to replace it with parking and move the pool to the central portion of the site. As a result, two other buildings have been moved closer and it is not a minimum of 90 feet away. Although staff appreciated the applicant's efforts on redesigning the Site Plan, staff still recommended denial. A single gated entry to Charleston Boulevard provides access to the site with significant amounts of perimeter landscaping. The applicant has made efforts to ensure that potential visual impact on adjacent low density residential areas would be mitigated.

CHRIS KAEMPFER, Attorney, Kummer, Kaempfer, Bonner and Renshaw, appeared on behalf of the applicant. ATTORNEY KAEMPFER stated that a meeting was held with the residents; thereafter, he met with some of those neighbors to discuss their concerns regarding the Site Plan. He showed photos of the Site Plan and what the revisions were, i.e. the relocation of the pool, open space. He then met with the developer and changes on the Site Plan were implemented, which he showed photos to the Commission. He then concurred with staff's recommendations. In addition, he requested the addition of several conditions, which included no trash dumpsters on the premises; Mondale pines would be planted 20 feet on center along the north side adjacent to the single family homes; addition of trees within the parking stalls along the north side; the project would be a For Sale product only with no investor sales; and the parking on the north side would not be covered parking. ATTORNEY KAEMPFER pointed out that after agreeing with

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 21 – GPA-5075

**MINUTES – Continued:**

the residents to withdraw the Variance, he was informed by staff that the Variance would still be required in order for the set backs to meet the residential adjacency standards. He then apologized to the residents and asked for a condition requiring the set backs to be that of those shown on the Site Plan. He wanted to ensure that the residents are accepting of the Site Plan that was shown to them at the meeting. ATTORNEY KAEMPFER continued by stating there was an elevation issue with regard to one owner's property, which was located on the corner. Some of the land was built up on the developer's side and it will be graded down as far as possible to create less elevation. In addition, the applicant has agreed to look into and address an issue with the abutting wall that leans into the developer's property. He then expressed appreciation for the residents and their efforts in working with them. Additionally, he gave high regards and thanked staff for their expedient efforts in processing the paperwork on the revised Site Plan and ensuring that it would go forward and be heard at this meeting.

MICHAEL RILEY, 8301 Boseck Street, Las Vegas, NV, appeared on behalf of the La Quinta Homeowner's Association. His property is located north of the proposed development. He expressed concern with the existing perimeter wall adjacent to his property and questioned if the developer would be constructing another wall. ATTORNEY KAEMPFER responded that the developer's intent was to use the existing wall, but MR. RILEY vehemently opposed this. MR. RILEY felt that if there were pre-teen children living within the proposed development, the children would have to walk all the way out to Charleston Boulevard, down to Cimarron Street and back to Alta Drive to get to school. As a result, the children would climb the wall onto his property as a shortcut and save time. There are other properties to the east and west of the proposed development that children are climbing the walls and coming onto his property, but they have been adamantly opposing this and working on alleviating the problem as well. He then pointed out, for COMMISSIONER DAVENPORT, his property on the map, which was located behind Building 6 and 7. His unit overlooks the proposed property. He then asked what the distance was between Building 6 and 7 to the existing wall. Lastly, he commented that he was not invited to the meeting.

KIM KOZLOWSKI, 8257 Ogee Drive, expressed her appreciation for the applicant revising the Site Plan, as she was very pleased with the changes.

KLAUSE and DENISE WALL (**BERTRUM**), residing at 8229 Ogee Drive, and MRS. **BERTRUM** commented that there was a neighborhood meeting held, but ATTORNEY KAEMPFER was not in attendance. She was pleased with the Site Plan. MR. **BERTRUM** then requested clarification of the Variance relative to Building 8 and 9, as he was concerned with the set back footage. ATTORNEY KAEMPFER responded that when the pool was relocated to the center of the proposed project, the buildings moved closer to the homes. He then clarified that it would be 81 feet to Building 9 and 72 feet to Building 8.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 21 – GPA-5075

**MINUTES – Continued:**

ATTORNEY KAEMPFER reiterated his appreciation for the residents working with them. He requested clarification as to whether or not there would be two six-foot walls immediately adjacent to each other, as this would create additional spacing. ROBERT GENZER, Planning and Development, responded that Condition 11 on the Site Plan Review is a standard condition, which stipulates the six foot measurement is from the side with the higher finished grade, so the wall may not be an issue. ATTORNEY KAEMPFER concurred.

VICE CHAIRMAN NIGRO asked if ATTORNEY KAEMPFER'S request regarding the additional conditions was already a part of staff's conditions. MR. LEOBOLD responded that staff has reviewed the requested conditions and agreed to include them as conditions. VICE CHAIRMAN NIGRO then stated that the incorporated revisions to the Site Plan made it a better development for the entire neighborhood. In addition, the Variance regarding the residential adjacency standards would be acceptable because the plan meets the intent of the Code and works for the residents as well.

COMMISSIONER EVANS added that he would support the application and expressed gratitude for the applicant's efforts and concessions made in making this project work.

ATTORNEY KAEMPFER pointed out that the residents would not see a two-story building until they are at least approximately 90 feet within the project.

COMMISSIONER DAVENPORT attested MR. RILEY'S previous comment regarding children climbing the wall and using it as a shortcut to the school, as this is a problem in a neighborhood near his residence. He then stated he would support the proposed project and asked the applicant to work with the residents on finding a solution to this problem.

ATTORNEY KAEMPFER confirmed for MR GENZER that his client has assured him Republic Services would be responsible for picking up trash.

DAVID GUERRA, Public Works, confirmed for CHAIRMAN TRUESDELL that Public Works did not see any conflict with the alignment of the driveways because of the direction of the turns for left turns. In addition, the applicant would have to obtain approval from Nevada Department of Transportation (NDOT), in which NDOT would have control over the positioning and location of the driveways.

MR. LEOBOLD confirmed for VICE CHAIRMAN NIGRO that Condition 15 on Item 23 [SDR-5077] would be amended to reflect the correct date stamp of the site plan, which would be October 21, 2004.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 21 – GPA-5075

**MINUTES – Continued:**

CHAIRMAN TRUESDELL thanked the residents for working with the applicant in resolving their concerns and coming up with a project that is acceptable to everyone. ATTORNEY KAEMPFER concurred.

In light of the lateness of the meeting and the large number of individuals in the audience, COMMISSIONER EVANS asked that everyone would be considerate of each other's time and make their comments succinct and non-repetitive so the meeting could progress forward.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 21 [GPA-5075], Item 22 [ZON-5076], Item 23 [SDR-5077] and Item 24 [VAR-5336].

(7:15 – 7:43)

**1-2707**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**ABEYANCE - ZON-5076 – REZONING RELATED TO GPA-5075 - PUBLIC HEARING - APPLICANT: PN II INC. DBA PULTE HOMES - OWNER: USA - BUREAU OF LAND MANAGEMENT - Request for a Rezoning FROM: U (UNDEVELOPED) [SC (SERVICE COMMERCIAL) AND ML (MEDIUM-LOW DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATIONS] TO: R-PD14 (RESIDENTIAL PLANNED DEVELOPMENT - 14 UNITS PER ACRE) on 10.16 acres at 8324 West Charleston Boulevard (APN 138-33-401-015), Ward 2 (Wolfson).**

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining as her company is currently in litigation with a sister company of Pulte Homes**

**To be heard by City Council 11/17/2004**

**MINUTES:**

See Item 21 [GPA-5075] for all related discussion on Item 21 [GPA-5075], Item 22 [ZON-5076], Item 23 [SDR-5077] and Item 24 [VAR-5336].

(7:15-7:43)

**1-2707**

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 22 – ZON-5076

**CONDITIONS:**

Planning and Development

1. A General Plan Amendment (GPA-5075) to an M (Medium Density Residential) land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit.
3. A Site Development Plan Review application (SDR-5077) approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

4. Dedicate 50 feet of right-of-way adjacent to this site for Charleston Boulevard.
5. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
6. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the public right-of-way adjacent to this site prior to the issuance of any permits.
7. The submitted Traffic Impact Analysis must be approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
8. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 22 – ZON-5076

**CONDITIONS – Continued:**

determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**ABEYANCE - SDR-5077 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-5075, ZON-5076 - PUBLIC HEARING - APPLICANT: PN II INC. DBA PULTE HOMES - OWNER: USA - BUREAU OF LAND MANAGEMENT - Request for a Site Development Plan Review FOR A PROPOSED 140-UNIT CONDOMINIUM DEVELOPMENT on 10.16 acres at 8324 West Charleston Boulevard (APN 138-33-401-015), U (Undeveloped) Zone [SC (Service Commercial) and ML (Medium-Low Density Residential) General Plan Designations] [PROPOSED: R-PD14 (Residential Planned Development - 14 Units Per Acre)], Ward 2 (Wolfson).**

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED** subject to conditions, amending the following condition:

15. All development shall be in conformance with the site plan and building elevations, date stamped *October 21, 2004*, except as amended by conditions herein.

and adding the following conditions:

- *No trash dumpsters will be allowed on the site.*
- *Mondale pine trees will be planted 20 feet on center along the north side adjacent to the single family homes.*
- *Additional trees will be placed within the parking stalls along the north side, as shown on the site plan.*
- *No covered parking spaces on the north side.*
- *The project will be a “For Sale” product only with no investor sales.*
- *Set backs from the north property line will be maintained, as shown on the site plan.*



PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 23 – SDR-5077

**MINUTES – Continued:**

See Item 21 [GPA-5075] for all related discussion on Item 21 [GPA-5075], Item 22 [ZON-5076], Item 23 [SDR-5077] and Item 24 [VAR-5336].

(7:15-7:43)

**1-2707**

**CONDITIONS:**

Planning and Development

1. A General Plan Amendment (GPA-5075) to M (Medium Density Residential), a Rezoning [ZON-5076] to an R-PD14 (Residential Planned Development - 14 Units per Acre) Zoning District, and a Variance (VAR-5336) to allow a reduction in Residential Adjacency Standards, approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
4. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect the redesign of Building 7, unless companion Variance (VAR-5336) is approved, and to illustrate how trash collection will be handled and where on-site collection points will be located.
5. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
6. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters.
7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 23 – SDR-5077

**CONDITIONS – Continued:**

9. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize ‘shoe-box’ fixtures and downward-directed lights. Wallpack lighting shall utilize ‘shoe-box’ fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
11. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated. Perimeter wall details for any proposed new walls shall be indicated by the applicant on the revised site plan.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City departments must be satisfied.
14. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
15. All development shall be in conformance with the site plan and building elevations, date stamped October 6, 2004, except as amended by conditions herein.

**Public Works**

16. Site development to comply with all applicable conditions of approval for ZON-5076 and all other subsequent site-related actions.
17. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
18. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 23 – SDR-5077

**CONDITIONS – Continued:**

City Engineer prior to the submittal of a Tentative Map or construction drawings,  
whichever may occur first.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**VAR-5336 - VARIANCE - PUBLIC HEARING - APPLICANT: PN II INC. DBA PULTE HOMES - OWNER: USA - BUREAU OF LAND MANAGEMENT** - Request for a Variance TO ALLOW A RESIDENTIAL ADJACENCY SEPARATION OF 52 FEET WHERE 90 FEET IS THE MINIMUM DISTANCE REQUIRED FROM SINGLE-FAMILY DEVELOPMENT FOR A PROPOSED 140-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT on 10.16 acres at 8324 West Charleston Boulevard (APN 138-33-401-015), U (Undeveloped) Zone [SC (Service Commercial) and ML (Medium-Low Density Residential) General Plan Designations] [PROPOSED: R-PD14 (Residential Planned Development - 14 Units Per Acre)], Ward 2 (Wolfson).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED** subject to conditions and adding the following condition:

- The building set backs shall be 72 feet on Building 8 and 81 feet on Building 9 from the north property line
- UNANIMOUS with McSWAIN abstaining as her company is currently in litigation with a sister company of Pulte Homes

**MINUTES:**

See Item 21 [GPA-5075] for all related discussion on Item 21 [GPA-5075], Item 22 [ZON-5076], Item 23 [SDR-5077] and Item 24 [VAR-5336].

(7:15-7:43)

**1-2707**

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 24 – VAR-5336

**CONDITIONS:**

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-5076), and Site Development Plan Review [SDR-5077].
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**ABEYANCE - VAC-5030 - VACATION - PUBLIC HEARING - APPLICANT: JMA ARCHITECTURE STUDIO – OWNER: RINKAI AMERICA, INC.** - Petition to Vacate a 20-foot (20') wide public alley generally located north of Sahara Avenue, west of Paradise Road, Ward 3 (Reese).

**SET DATE: 11/03/04**

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 3 [TMP-5188], Item 29 [GPA-5266], Item 43 [GPA-5195], Item 50 [MOD-5212], Item 51 [VAR-5214], Item 52 [SDR-5213] and Item 75 [SDR-5179] to 11/18/2004 Planning Commission meeting; Item 25 [VAC-5030] to 12/16/2004 Planning Commission meeting; WITHDRAW WITHOUT PREJUDICE Item 44 [GPA-5200] and Item 57 [VAR-5178]; and TABLE Item 47 [GPA-5207], Item 48 [SUP-5210] and Item 49 [SSR-5209] – UNANIMOUS**

NOTE: Chairman Truesdell made a disclosure relating to Item 29 [GPA-5266], as he has an interest in the adjacent property. He would be voting on the abeyance but would abstain once the item comes forward. In addition, on Item 44 [GPA-5200], he would be voting on the abeyance but is uncertain if he would vote on the item once it comes forward, as he has been involved with the group that purchased the property and have abstained on this item in the past.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 25 – VAC-5030

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05-6:20)

**1-90**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**GPA-5015 – GENERAL PLAN AMENDMENT – PUBLIC HEARING –**  
**APPLICANT/OWNER: CITY OF LAS VEGAS –** Request to Amend portions of the Downtown North Land Use Plan and the Downtown Centennial Plan to add the Scenic Byway as an Urban Trail along both sides of Las Vegas Boulevard between Washington and Sahara Avenues, Wards 1 (Moncrief) and 5 (Weekly).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – APPROVED subject to conditions – UNANIMOUS with TRUESDELL abstaining because he owns property that would be affected by approval and also because he is a member of the Scenic Byway Committee and has reviewed these items in that capacity**

**To be heard by City Council 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

MARGO WHEELER, Deputy Director, Planning and Development Department, explained that this item would amend the General Plan to add the Scenic Byway designation as it was approved earlier in the year by the City Council.



PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 26 – GPA-5015

**MINUTES – Continued:**

COMMISSIONER McSWAIN questioned if the property owners were going to be responsible for the costs associated with the imposition of the trails. MS. WHEELER stated the City anticipates that when the application is made in 2005, that a signage program would be part of that application and that would benefit the property owners.

VICE CHAIRMAN NIGRO declared the Public Hearing closed.

(6:59-7:13)  
**1-2005**

**CONDITIONS:**

1. Maps 5 and 5A of the Downtown North Land Use Plan shall be amended to include the Las Vegas Boulevard Scenic Byway Trail along both sides of Las Vegas Boulevard between Washington Avenue and U.S. 95.
2. Map 7 of the Downtown Centennial Plan shall be amended to include the Las Vegas Boulevard Scenic Byway Trail along both sides of Las Vegas Boulevard between U.S. 95 and Sahara Avenue
3. The Downtown North Land Use Plan shall be amended to include the following paragraph, to be located between the first and second paragraphs on page 23 of that document:

The Las Vegas Boulevard Scenic Byway is located along both sides of Las Vegas Boulevard between Washington Avenue and Sahara Avenue and shall be developed as an Urban Trail. An Urban Trail is defined as a designated pedestrian route located in an urban area, consisting of widened sidewalks in existing right-of-way corridors. The trail should be readily identifiable through sidewalk treatments, directional signage and banners, shade trees, street furniture, public art and other techniques. Every effort should be made to improve the safety of pedestrians, including the provision of specialized crosswalk signals, protected pedestrian crossings, and the use of distinctive paving materials for crosswalks. Traffic calming measures should be investigated as part of the development of the Las Vegas Boulevard Scenic Byway Trail.

4. Section V3E3d (page 28) of the Downtown Centennial Plan shall be amended to include the following paragraph:

The Las Vegas Boulevard Scenic Byway. This Urban Trail is to be located along both sides of Las Vegas Boulevard between Washington Avenue and Sahara Avenue.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**GPA-5016 – GENERAL PLAN AMENDMENT – PUBLIC HEARING –**  
**APPLICANT/OWNER: CITY OF LAS VEGAS** - Request to amend the Downtown North Land Use Plan to add the Cultural Corridor Trail, located on the west side of Las Vegas Boulevard between Washington Avenue and Bonanza Road, as an Urban Trail, Ward 5 (Weekly).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION**

**McSWAIN – APPROVED subject to conditions – UNANIMOUS**

**To be heard by City Council 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

MARGO WHEELER, Deputy Director, Planning and Development Department, explained that when the Cultural Corridor Trail was adopted, it linked the Mormon Fort Area to the Post Office Area downtown. There section of Las Vegas Boulevard from Washington Avenue to Bonanza Road was omitted and this amendment would add that section creating a full loop for the Cultural Corridor Trail.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(6:59-7:13)

**1-2005**

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 27 – GPA-5016

**CONDITIONS:**

1. Maps 5 and 5A of the Downtown North Land Use Plan shall be amended to include the Cultural Corridor Trail, located on the west side of Las Vegas Boulevard between Washington Avenue and Bonanza Road.
2. The Downtown North Land Use Plan shall be amended to include the following paragraph, to be located between the first and second paragraphs on page 23 of that document:
3. The Cultural Corridor Trail is located on the west side of Las Vegas Boulevard between Washington Avenue and Bonanza Road and shall be developed as an Urban Trail. An Urban Trail is defined as a designated pedestrian route located in an urban area, consisting of widened sidewalks in existing right-of-way corridors. The trail should be readily identifiable through sidewalk treatments, directional signage and banners, shade trees, street furniture, public art and other techniques. Every effort should be made to improve the safety of pedestrians, including the provision of specialized crosswalk signals, protected pedestrian crossings, and the use of distinctive paving materials for crosswalks. Traffic calming measures should be investigated as part of the development of the Cultural Corridor Trail

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**GPA-5157 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - OWNER/APPLICANT: CITY OF LAS VEGAS -** Request to amend the Master Plan Recreation and Transportation Trail Elements TO RE-DESIGNATE PORTIONS OF PROPOSED ALIGNMENTS IN DEVELOPED AREAS AS PEDESTRIAN PATHS, Ward 1 (Moncrief), Ward 3 (Reese), Ward 4 (Brown), Ward 5 (Weekly), Ward 6 (Mack); AND TO REVISE CROSS SECTIONS, All Wards.

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report

**MOTION**

**McSWAIN – APPROVED – Motion carried with DAVENPORT voting NO**

**To be heard by City Council 11/17/2004**

NOTE: Initial Motion for Denial by DAVENPORT failed with GOYNES, McSWAIN, TRUESDELL, NIGRO, EVANS and STEINMAN voting NO

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

TOM PERRIGO, Planning and Development Department, explained that this item would amend both the Transportation Trail and Recreation Trail elements. The Transportation Trail alignments that are being recommended for re-designation from multi-use transportation trail to pedestrian paths are the alignments along Cheyenne Avenue, Rancho Road, Lake Mead Drive,

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 28 – GPA-5157

**MINUTES – Continued:**

Oakey Boulevard and Pecos Road. These corridors are substantially built out and requesting that people go in and retrofit in a 20-foot path with 20-foot landscaping is very difficult. The Pedestrian Path alignment request is for a five-foot sidewalk and five feet of landscaping.

The proposed changes to the Recreation Trail element relate to the cross sections. As a result of legislation two years ago, the City is now responsible for maintaining equestrian trails. Over the summer, the Planning Department worked with the Public Works Department and Field Operations Department to come up with trail alignments that work. The equestrian trail designates a 10-foot equestrian path with five feet of landscaping and five feet of sidewalk. Developers will build the landscaping in the trail and then the 10 feet of trail will be deeded back to the City of Las Vegas for maintenance.

The multi-use equestrian trail section would have 10 feet of equestrian path, five feet of landscaping, a 10-foot transportation trail and a five-foot transition strip. The transition strip, transportation trail and landscaping would be built by the developer and the property would then become a common lot that the Homeowners Association would maintain. The 10-foot equestrian trail would be deeded to the City of Las Vegas for maintenance.

CHAIRMAN TRUESDELL questioned the usage of five-foot PVC framing in the equestrian trail. He thought the usage was for a typical PVC equestrian fence with three or four rails and he wondered what the durability of the pipe was given our extreme heat. MR. PERRIGO replied that there are different materials used for the fences and that Field Operations has done testing and there is a particular type that seems to be appropriate for this usage. The Chairman was concerned about the durability since the City would be responsible for the long-term costs of maintenance. He thought a fence such as wrought iron or picket may be more durable but perhaps was not appropriate around horses. A PVC fence installed that was not durable or that would discolor would result in more problems for the City. He asked that staff look further into the matter. COMMISSIONER STEINMAN confirmed with MR. PERRIGO that the purpose of the PVC fence in the equestrian area is to create the separation between the equestrians and the pedestrians. MR. PERRIGO pointed out that the PVC fence is on the homeowners association portion of the trail, it is not the City's responsibility to maintain it.

COMMISSIONER DAVENPORT questioned the City's responsibility for maintenance when both the developer and the homeowners are going to get the benefit of the trails. MR. PERRIGO stated that at the last legislative session, legislature was passed to that effect. COMMISSIONER DAVENPORT said he could not support this item because all citizens would not benefit from the trails. Only a small group of people in the tract would use the trails.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 28 – GPA-5157

**MINUTES – Continued:**

MR. PERRIGO reiterated the developer would pay for and install the trail; the City only has to maintain it. The cross sections have been revised so that Field Operations equipment can more easily and efficiently be used for maintenance. The decomposed granite trail can be re-graded once a year and that process is easy and inexpensive. MR. PERRIGO also informed the Commissioners that the trail would be built out into trailheads and centers in the northwest area including Federal lands and the National Conservation Area, so the trails are for equestrians throughout the northwest area. CHAIRMAN TRUESDELL confirmed with MR. PERRIGO that the trails are part of a regional trail network that runs through several municipalities not just within one development. COMMISSIONER DAVENPORT found it hard to accept the fact that the City is responsible for the maintenance.

COMMISSIONER STEINMAN questioned who would be responsible for the daily maintenance of the equestrian trail. MR. PERRIGO said that Field Operations is currently working on the maintenance details and that has not been addressed yet. He was concerned about the City's costs in the upkeep of these trails because there will be a lot of maintenance involved. Re-grading the trail once a year would not be the only required maintenance.

VICE CHAIRMAN NIGRO asked that staff do some additional research on how the trail is going to be maintained prior to the item going before City Council. DEPUTY CITY ATTORNEY BRYAN SCOTT confirmed that the City will be responsible for maintenance; how often it is maintained is the question and the answer would be determined by the number of staff available to do that type of maintenance. VICE CHAIRMAN NIGRO agreed and stated that the City Council might look at the item differently if they were given information on what the costs would be to maintain these trails on a regular basis. MR. PERRIGO stated that he would have a representative from Field Operations at the City Council meeting to address any questions Council may have.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(6:59-7:13)

**2-527**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**GPA-5266 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS** - Request to Amend the City of Las Vegas Downtown Redevelopment Plan Map of the Las Vegas Redevelopment Plan to designate Future Land Use Designations as Commercial, Mixed Use, Industrial or Public Facility located within the Redevelopment Plan expansion area and within other areas of the Las Vegas Downtown Redevelopment Plan Map. Wards: 1 (Moncrief), 3 (Reese), and 5 (Weekly).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends this item be HELD IN ABEYANCE to the November 18, 2004 Planning Commission meeting.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 3 [TMP-5188], Item 29 [GPA-5266], Item 43 [GPA-5195], Item 50 [MOD-5212], Item 51 [VAR-5214], Item 52 [SDR-5213] and Item 75 [SDR-5179] to 11/18/2004 Planning Commission meeting; Item 25 [VAC-5030] to 12/16/2004 Planning Commission meeting; WITHDRAW WITHOUT PREJUDICE Item 44 [GPA-5200] and Item 57 [VAR-5178]; and TABLE Item 47 [GPA-5207], Item 48 [SUP-5210] and Item 49 [SSR-5209] – UNANIMOUS**

NOTE: Chairman Truesdell made a disclosure relating to Item 29 [GPA-5266], as he has an interest in the adjacent property. He would be voting on the abeyance but would abstain once the item comes forward. In addition, on Item 44 [GPA-5200], he would be voting on the abeyance but is uncertain if he would vote on the item once it comes forward, as he has been involved with the group that purchased the property and have abstained on this item in the past.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 29 – GPA-5266

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05-6:20)

**1-90**



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**GPA-5278 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS** - Request to amend Policy 3.4.1 of the Las Vegas 2020 Master Plan, which currently reads as follows: "That a minimum of 30 percent of available BLM lands be planned for recreational and parks uses within the northwest sector of the city, in the general vicinity of the intersection of Kyle Canyon Road and US 95", to the following: "That a minimum of 30 percent of available BLM lands be planned as open space within the Centennial Hills Sector of the City of Las Vegas through the adoption of an open space plan". And to amend Policy 3.4.3, which currently reads as follows: "That a minimum of 20 percent of available BLM lands within the Kyle Canyon area be made available for the development of a high technology business park, research and higher education, within the northwest sector of the city", to the following: "That an adequate amount of available BLM lands within the Centennial Hills Sector of the City of Las Vegas be made available for the development of a high technology business park, research facility and/or higher education facility, Ward 6 (Mack).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report

**MOTION**

**NIGRO – APPROVED – Motion carried with EVANS voting NO**

**To be heard by City Council 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 30 – GPA-5278

**MINUTES – Continued:**

TOM PERRIGO, Planning and Development Department, explained that when the policies referenced were adopted, the vision was to have an office or tech park at the area where Kyle Canyon Road intersects with the I-95 freeway. Since that time, there is now a 1,700-acre land disposal scheduled for February of 2005 and also, staff is in the process of preparing a Northwest Open Space plan. The request is to amend these policies in the General Plan Policy Document to be consistent with the Northwest Open Space Plan and the planning that is underway at Kyle Canyon. The draft form of the Northwest Open Space Plan will recommend 30 percent of open space and that will be heard before the Planning Commission in December. Regarding the tech park, it is no longer part of the Master Plan of the Kyle Canyon Plan.

COMMISSIONER McSWAIN confirmed with GARY LEOBOLD, Planning and Development Department, that the open space requirement in the Town Center Plan was 20 percent. She remembered discussion occurring after the original plan was made; the designated percentage was too much taking into consideration large parking lots and projects with large areas of shared open space. He acknowledged there was discussion but that no changes were actually made. He pointed out that the nature of Town Center is quite different than what is proposed for Kyle Canyon. COMMISSIONER McSWAIN agreed that they are different and stated she did not want to approve something that will come back later to be reduced. She felt the changes were positive relevant to the changing of an adequate amount of Bureau of Land Management (BLM) lands regarding the Technology Business Park.

COMMISSIONER EVANS remembered that he had heard significant discussion regarding this issue when he was on the 2020 Master Plan Steering Committee and he requested further clarification. He questioned if the change was primarily in changing the language from “recreation and parks usage” to “open space” and if so, what are the consequences of that change. MR. PERRIGO explained that within the Northwest Open Space plan, a system is being created for open space that includes trails, drainage ways, natural areas and parks and recreation. The idea is rather to try and put a specific amount of open space in one area, a comprehensive network of open space would be created. The proposed policy change would make the Master Plan consistent with that Planning effort.

COMMISSIONER EVANS confirmed with MR. PERRIGO that the proposed policy change would apply to the entire Centennial Hills Plan. The Commissioner stated that discussion had taken place regarding the original thoughts of the development of the Kyle Canyon area and the consensus was that the area was relatively sensitive and the focus should be creating employment centers etc. It was also thought that the area should include parks and recreation uses. The policy changes would seem to water that theory down. MR. PERRIGO replied that at the time the policies were created in the Master Plan 2020, nobody envisioned 1,700 acres would be sold off to be developed as a master planned community.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 30 – GPA-5278

**MINUTES – Continued:**

In order to make up for that plan being developed as it is, staff has constructed the open space planning effort so the developer of that area would be required to develop the open space and trails and retain the arroyos. Within the Kyle Canyon Master Plan, in addition to the required parks and recreations areas, the City is requiring the retention of the arroyos and a significant amount of the terrain that is to be left in a natural state.

COMMISSIONER EVANS appreciated that but voiced concerns over the concept of the creation of employment centers in the area so people would not commute into town. He did not feel that at this time, that concept has taken home. People are still continuing to commute and the roadways are congested. He acknowledged the temperament of the City and of the development community agreeing this is where the development is going to occur but he is not yet convinced that from a Planning perspective, this is the best solution for the long term.

COMMISSIONER McSWAIN asked if the policy change proposes that in addition to the 30 percent designation, there would be additional parks and recreation areas. If not, how will the City guarantee that there will be parks and recreational components. MR. PERRIGO stated the parks and recreation areas would be a part of the open space network that is in the plan coming forward in December, which is part of the 30 percent. The intent is to have a policy that states there will 30 percent open space in Centennial Hills in a comprehensive network. She confirmed with MR. PERRIGO that the plan coming forward would further identify how all of the proposals would fit together.

VICE CHAIRMAN NIGRO asked if this would be similar to the way the arroyos are used in the Summerlin area. The area might have bike trails around the arroyos and although the entire area is not considered usable, it would be considered open space. MR. PERRIGO confirmed he was correct.

CHAIRMAN TRUESDELL pointed out that staff has been holding several meetings with individuals in the northwest regarding the open space issue and green communities. There are trails that start and stop and it is time to start connecting them. The City needs both programmable open space as well as natural open space. The Chairman felt the 30 percent number made more sense after he had attended a neighborhood meeting. He was concerned about the vagueness regarding the difference between a high-technology business park/research facility and a higher educational facility. It would not make a lot of sense to create 30 percent of open space and then put a wall around a large research facility or school. CHAIRMAN TRUESDELL felt the policy should be further examined to incorporate the interactive nature of open space and how it connects to future facilities that may develop there.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 30 – GPA-5278

**MINUTES – Continued:**

MR. PERRIGO acknowledged the Chairman's comments and told him that there are policies in the capstone document that do relate to CHAIRMAN TRUESDELL'S concerns. He offered that staff could review the wording of the proposed amendment and try to incorporate some of the Commission's suggestions.

COMMISSIONER McSWAIN asked MR. PERRIGO if he was suggesting bringing the item back before the Commission. MR. PERRIGO indicated that could be done if the Commission desired to do so. COMMISSIONER McSWAIN stated she understood that this amendment is a broad item and that the details would follow at a later date. She would propose an abeyance if more detail was necessary at this time.

VICE CHAIRMAN NIGRO confirmed with MR. PERRIGO that when the item came back in the future, there would be a better justification of the open space percentage used. The City does not know what the final percentage requirement will be at this time.

COMMISSIONER McSWAIN agreed with CHAIRMAN TRUESDELL'S concerns about establishing open space and then building large structures adjacent to the open space, which constricts that space. She asked if the proposal coming forward in December would address that. CHAIRMAN TRUESDELL stated this would be a policy under the Master Planning Guideline and that each development would come back with more specific detail for approval.

MR. PERRIGO informed the Commission that these are general guiding policies and the Open Space Plan will show how the open space network will be put together and how it would relate with commercial, residential, trails and other various aspects of open space. It will have specific policies, recommendations and implementation strategies. COMMISSIONER McSWAIN confirmed with MR. PERRIGO that the Open Space Plan would only address open space issues and not land use issues.

COMMISSIONER EVANS stated the request is to change the policy on the Master Plan, and he wanted more information on what the specific policy is.

ROBERT GENZER, Director, Planning and Development Department, clarified that the Northwest Open Space Plan would cover the entire northwest area and that the Kyle Canyon Plan would cover a small portion (1,700 acres) of that northwest area. This item is for the entire northwest area. It would set the policy that all specific plans would reference as they are generated. VICE CHAIRMAN NIGRO agreed and stated that these would be broad parameters that would guide the future development of the area. More detailed information would be coming through at a later date. At this time, it is difficult to expect more than that without getting into land uses and the integration of open space next to residential or commercial.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 30 – GPA-5278

**MINUTES – Continued:**

Subsequent to the vote, COMMISSIONER EVANS explained that he voted NO because he did not feel comfortable voting on the matter. He did not fully understand all of the ramifications involved.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(7:57-8:16)

**2-829**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**GPA-5034 - GENERAL PLAN AMENDMENT - PUBLIC HEARING – APPLICANT: AMBLINE MULTI-FAMILY DEVELOPMENT – OWNER: ALTA MLK, LLC - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: SC (SERVICE COMMERCIAL) TO: H (HIGH DENSITY RESIDENTIAL) on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard (APN 139-33-202-005), Ward 5 (Weekly).**

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report
4. Submitted at Meeting – 19 Opposition Letters from Jean Zorn

**MOTION**

**DAVENPORT – Motion to HOLD IN ABEYANCE – APPROVED – Motion carried with TRUESELLE voting NO and NIGRO abstaining because he owns property within the notification boundary on this item**

**To be held in abeyance until 11/04/2004 Planning Commission Meeting**

**MINUTES:**

CHAIRMAN TRUESELLE declared the Public Hearing open on Item 31 [GPA-5034], Item 32 [ZON-4941], Item 33 [VAR-5035] and Item 34 [SDR-5155].

FLINN FAGG, Planning and Development Department, explained that the proposed General Plan Amendment would change the General Plan designation on the northern portion of the parcel from Service Commercial (SC) to (H) High Density Residential). The southern portion of

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 31 – GPA-5034

**MINUTES – Continued:**

the site would remain as (SC). In terms of the change in the General Plan designation, it would change in a gradient that goes from east to west. Immediately east of the site, there are industrial and commercial uses with greater intensity. The site is adjacent to medium density residential to the west and to the north. Moving further west, there is lower density residential. This proposed change would fit into that gradient of uses.

A neighborhood meeting was held on September 14, 2004 and the topic was the Plan Amendment. There were 20 members of the public in attendance and concerns included the requirement of a traffic study, which should include the impact of the traffic on the neighborhood. There were also concerns about the existing commercial development to the west of the site and the application of residential adjacency to the approved R-PD11 development immediately to the north.

Regarding the companion rezoning item, it would rezone the site from (C-1) Limited Commercial to (R-PD50) Residential Planned Development – 50 units per acre. This would allow a multi-family residential development. The southern portion of the site would remain zoned C-1 to accommodate a small commercial building proposed for that portion of the site. The rezoning would eliminate the intensity of commercial uses that would be permitted under the C-1 zoning and restricts the northern portion of the parcel to residential uses.

Regarding the Variance, the application proposes 28-story towers. Based on that height, the setback requirement is 1,212 feet; however, the towers, as proposed, would be 205 to 670 feet from the nearest residential properties. The three-story parking structures would be from 20 feet from the property lines to up to 600 feet from the nearest residential property. To provide buffers between this project and the adjacent projects, the applicant has provided 20 to 40-foot landscaping buffers around the perimeter of the site. This helps to address some of the concerns relative to the height of the buildings. There are apartments immediately to the west, which serve as a buffer to the R-1 residential neighborhood further to the west. There are also additional commercial developments along Alta Drive and they also serve as a buffer to the adjacent residential properties.

The Site Development Plan proposes a total of 3,000 feet of commercial space with a total of 854 residential units. In addition to the three tower buildings, there will be two lower townhouse buildings on the site. The residential portion of the site will be gated. There will be one driveway from Alta Drive, which will serve both the commercial parcel at the front as well as the residential development. There will also be a driveway on Martin Luther King, which will be gated and will exclusively serve the residential component. One of the conditions on this application addresses an open space variance. The applicant has filed the application for this variance and the item is scheduled to be heard at the 11/18/2004 Planning Commission Meeting.



PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 31 – GPA-5034

**MINUTES – Continued:**

DAVID LeGRAND, Hale Lane, 2300 West Sahara Avenue, 8<sup>th</sup> Floor, appeared on behalf of the applicant with EDDY BENOIT from the Ambling Companies. MR. LeGRAND stated the three towers would have a very large central area that would include a 6,000 square-foot clubhouse, a children's playground, a putting green, oversized pool and a meditation garden. The applicant feels the project would offer some significant benefit to the community. Economic analysis has shown that during construction, 24 million dollars will be spent locally in the community. Taxes in the amount of 2.8 million would be assessed and approximately 507 jobs would be created. Over the long term, over 550 jobs would be filled and 4.3 million dollars would be paid in ongoing taxes.

MR. LeGRAND stated the applicant has determined the appropriate market and has recognized the price ranges are appropriate to the area. Regarding pricing, the goal is to have several units in the \$200,000 to \$300,000 range and a small number of units in the \$600,000 and higher price range. The project proposes 96 one bedroom, one bath units; 102 one bedroom, one and one half baths; and a limited number of large penthouse style units. The prices could change as a result of final construction budgets. The rough estimate of costs for Phase I is 111 million dollars, Phase II at 105 million dollars and Phase III at 95 million dollars.

MR. LeGRAND stated concurrence with all conditions except the condition pertaining to the multi-use trail, which is a condition on three of the four applications. The applicant would like to have the trail constructed within the 25-foot setback, although the condition does not specifically state that the trail could be constructed in that manner. Also, Condition 7 in Item 32 [ZON-4941], requires the construction of an oversized sewer main and the applicant feels this is an undue burden to place on one developer as the estimates range from \$600,000 to just under one million dollars. However, the applicant intends to work with the other developers faced with the same requirement and possibly share the costs. The applicant does not anticipate coming to the City with any specific requests regarding this Condition but urged the City to consider the issues associated with imposing this type of requirement on single developers.

EDITH WILLIAMSON, 501 Shadow Lane, stated the applicant is requesting too many variances. She reminded the Commission that at one time, the City wanted to make the entire area a pedestrian friendly medical facility of some type. There are a lot of businesses in this area including community services and the Office of the Public Administrator. There is a terrible traffic problem on Alta Drive already. MS. WILLIAMSON rents out property in the area and there are times of the day when her tenants are unable to exit onto Alta Drive from the parking lot. Adding 840 units would put over 800 additional cars in the area and that would just make it worse. Alta Drive cannot be expanded so other streets will be overrun with traffic. Emergency vehicles cannot exit from Shadow Lane with traffic as bad as it gets. MS. WILLIAMSON felt



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**MINUTES – Continued:**

that the project was too much for this area unless Shadow Lane and Martin Luther King Boulevard widens and traffic issues are mitigated in some fashion.

DENISE WINEMILLER, 1808 Collins Avenue, did not believe this type of development would work in the area. There is nothing over five stories in the area. The new Las Vegas Outlet Mall is on the other side of the freeway. This project would propose three 28-story towers and the streets are unable to handle the existing traffic without the towers. Crime in the area is on the rise. MS. WINEMILLER thought the project looked very nice but questioned the development being maintained at this level once the developers leave. She understood the theory of downtown redevelopment but felt it was inappropriate in an area that is residential and has a hospital. She felt high density housing would be better suited on the east side of the freeway.

JEAN ZORN, 2000 Sunland Avenue, stated she has lived in her home since 1966 and has watched the neighborhood become surrounded by large roads made larger and as a result, nine homes in the area were lost. She felt the traffic is too much for the neighborhood to handle. MS. ZORN stated Wasden Elementary is already at capacity like many other schools in the district. She voiced concerns over privacy with such tall buildings towering over the neighborhood. MS. ZORN submitted 19 letters of opposition (some without signature) for the record and indicated she could have obtained more signatures with a little more time. The neighborhood had been under the impression the items were going to be held in abeyance and that is why there were so few speakers. She urged the Commission to deny the applications.

DANNY PIPER, 1217 Park Circle, stated that he lives in the Charleston/Shadow Lane area and he was originally concerned about this project. After doing some research, he felt more confident that what is being changed with the intersection at Martin Luther King Boulevard and Alta Drive would be beneficial. The changes would help the road to take on traffic generated by the project. He supported the project completely and was happy the developers chose this site for the project. MR. PIPER indicated he owns a business in this area and it would be impacted by the project. COMMISSIONER EVANS clarified that MR. PIPER lives in the Scotch 80's.

DANIEL DEEGAN, 1801 Granite Avenue, noted that an earlier speaker, JEAN ZORN, is the President of the Neighborhood Association and speaks with some authority as to the feelings of the residents. He noticed that the Scotch 80's and Glen Heather neighborhoods are not getting any requests for multi-story towers and pointed out there is some vacant land in those areas. MR. DEEGAN objected to the project and wished more residents had come to speak on the item. He suggested that if the Planning Commission chose to pass this item onto the City Council, there will be more speakers present at that meeting. MR. DEEGAN found the project inappropriate for the area. At the meeting with the developer, the traffic representative stated there would be left and right turn lanes on Martin Luther King Boulevard; however, in speaking

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**MINUTES – Continued:**

with MIKE JANSEN in the Traffic Engineering Division, he was informed that is not correct, it would be a right turn only.

DOUG LIEN, Manager, Office of Business Development, City of Las Vegas, stated he was speaking in favor of the project. His office has been working with this developer for a number of months. With the development of additional commercial properties and high-density residential nearby, his office felt this is a suitable project for the City's urban expansion of the downtown area. MR. LIEN noted the World Market Center is coming in with 7,000,000 square feet of development and his office anticipates corporate absorption of these units as they will be within a walkable commute to the east.

MR. LeGRAND acknowledged the concerns raised by the neighbors. He stated the area is in transition and this is a border area to a much higher intensity development that will be going on nearby. The property is currently zoned C-1 with unlimited height restrictions. Although the neighbors do not find this project pleasant, it is a much less intense use than what might otherwise be developed on this property. Also, the developer is cooperating with Planning and Development and the Public Works Department to facilitate the widening of Martin Luther King Boulevard. Meetings have been held with Nevada Department of Transportation (NDOT) to assure the site development would be compatible with the projection of the relocation of Martin Luther King Boulevard and Alta Drive. The Site Plan does not show the addition of turn lanes that are expected pursuant to the traffic study, which appears favorable.

MR. LeGRAND stated the traffic study indicates the inhabitants of the units would be traveling east and south towards the downtown area and the I-15 freeway. If this is correct, the traffic generated by the development would not further congest the existing traffic issues that concern the neighbors. He stated this type of project would be more suitable for this site than what otherwise might be developed there.

COMMISSIONER EVANS referenced the traffic issues associated with the Costco on Martin Luther King Boulevard and asked MR. LeGRAND to expand upon his comments regarding the Site Plan did not indicate anticipated turn lanes. MR. LeGRAND explained that the applicant anticipates a potential right turn lane associated with the development and that a deceleration turn would be added going into the project from Alta Drive. That lane would also include, based on discussion with the Rapid Transit Authority (RTA), a bus turn out lane. COMMISSIONER EVANS wondered why the Site Plan did not reflect these items. MR. LeGRAND stated the policies of the City dictate that the dedication of right-of-way must be done as determined by Traffic Engineering in conjunction with the study.

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**MINUTES – Continued:**

COMMISSIONER EVANS requested an opinion from staff regarding the applicant's comments regarding sewer construction. He asked DAVID GUERRA, Public Works Department, about the significance of the condition in question. MR. GUERRA stated that in this situation, it is not a question of the size of the project; it is the fact that the sewer infrastructure is at or near capacity at this time. The City is in the process of trying to upgrade the infrastructure and that is why the Condition states the applicant is responsible for the sewer construction if it is not already in place. He noted this condition was put on another high-rise development near Charleston Boulevard and Grand Central Parkway.

COMMISSIONER EVANS then asked if staff felt this was an undue burden on the applicant and if any other developments would benefit from the improvement. MR. GUERRA stated if any developer were to put the system in and improve it, it would benefit all people using the downtown infrastructure. MR. GUERRA informed the Commission that if the infrastructure cannot be provided, regardless of reason, the project would exceed the capacity and the infrastructure could not handle it.

COMMISSIONER McSWAIN said the project looked like it would be fantastic for the area. Her initial concern was the close proximity to the 61-acre project. She acknowledged the justification of a project such as this because of the type of development that may go into the 61-acres. She understood the traffic study still needed to be completed and stated that it makes it difficult for the Commission to make good decisions on projects of this magnitude without the study. The Commissioner reminded the neighbors that when the City was discussing the medical plan for the area, there was discussion about having components of residential development in the plan. There was also discussion that this would be a perfect location for an urban core to development as well as vertical development.

COMMISSIONER McSWAIN asked if there were going to be requirements on the traffic study that would prohibit the development from being built unless they were met. MR. GUERRA indicated the traffic study for this project has been submitted but has not yet been approved. Plans for the area would require the developer to put in the bus stop and right and left turn lanes. Project Neon will be installing a lot of infrastructure as well. He indicated that Alta Drive and Martin Luther King Boulevard are each Master Planned to be 100-foot right-of-way streets and also, Discovery Drive is in the area and that can carry a lot of traffic as well. COMMISSIONER McSWAIN confirmed with MR. GUERRA that there are currently requirements to dedicate an additional 20 feet of right-of-way on Alta Drive and Martin Luther King Boulevard to get to the 100-foot right-of-way plan. She then confirmed with MR. LeGRAND that those dedications are not reflected on the Site Plan.

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**MINUTES – Continued:**

COMMISSIONER McSWAIN asked why pertinent traffic information was left off of the plans when she could easily identify the potential traffic problems. MR. LeGRAND stated that the applicant was unable to address the scope of the issue without the traffic study. The study was received within the last seven days. The applicant did not want to speculate about what would be required. The first focus was to accommodate for the widening of Martin Luther King Boulevard and after that was accomplished, the focus would move to turn lanes etc. He reminded her that although the plan does not depict the requirements, the Conditions establish the traffic requirements that will be followed. COMMISSIONER McSWAIN acknowledged that fact but replied that it would possibly quell some of the fears and concerns of the neighbors relative to this issue, as traffic is the prevailing concern. Other projects of this caliber have come before the Commission and the developers have tried to anticipate items necessary to make the project work even before receipt of the traffic study.

COMMISSIONER DAVENPORT stated that this project would be in his backyard. He drives the area daily and he confirmed that traffic is a problem and a concern. He confirmed with MR. GUERRA that the traffic study should take into account the development being built at Shadow Lane next to Costco. Traffic studies are required to take into account projected developments in the area as well as what currently exists. COMMISSIONER DAVENPORT then confirmed with MARGO WHEELER, Deputy Director, Planning and Development, that as a result of the proposed Bonneville Clark Couplet, he would be able to go under the freeway on Bonneville Avenue because the one-way designation of the street would begin at Main Street and continue away from this area.

COMMISSIONER DAVENPORT asked if the City currently held 100 feet of right-of-way for Alta Drive but was only using 80 feet. MR. GUERRA stated that at this time, the City has 80 feet of right-of-way and per conditions, require a dedication of an additional 20 feet. The Commissioner stated that when Alta Drive goes back to two lanes above Valley View Drive, a deadlock is created. MR. GUERRA acknowledged his comment and stated that the zig-zag area in question was designed before he was with the department. COMMISSIONER DAVENPORT felt the additional traffic that would be generated by this development, along with the traffic from another proposed condo development with approximately 200 units, would overwhelm an already congested area. He asked if an abeyance of the item for two weeks would allow adequate time for review of the traffic study. MR. GUERRA indicated the Traffic Impact Analysis (TIA) would not be a cure all for the traffic this site would encounter. It would identify mitigation, some of which has already been identified in the conditions. In conjunction with the State's Project Neon, there will be a lot of traffic infrastructure on this corner. MR. GUERRA was unable to know if waiting for approval of the TIA would alter the understanding of the traffic flows in the area until the project is in place and traffic is flowing. COMMISSIONER DAVENPORT asked MR. GUERRA if he was suggesting the traffic study would confirm that

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these streets could not handle the traffic that would be generated. MR. GUERRA clarified that he was stating there would be a lot of traffic in the area and staff would do their best to mitigate it but he did not believe the TIA would in any way lower the projected amounts of traffic or change the direction of flow.

COMMISSIONER McSWAIN asked what area the traffic study would cover. CHAIRMAN TRUESDELL informed her that the study would not just do the intersection where the project would be located. Specifications exist for how far out the traffic study's area must cover. The studies address much more than just the immediate area. The City Engineer can dictate how far the zone of influence goes depending on the arterials of the regional streets involved and nearby freeways. MR. GUERRA explained that the developer is given a scope of the zone of influence. The developer must then take their project and add it into existing and projected development studies and then make calculations of where traffic would flow to and from and then determine the impact that flow would have on the zone of influence. COMMISSIONER McSWAIN stated she would think the zone of influence would be from the I-95 freeway to Charleston Boulevard and possibly Valley View Drive and then to Main Street. MR. GUERRA agreed and stated the zone of influence can be up to three or four miles out.

COMMISSIONER McSWAIN confirmed with MR. GUERRA that he has not yet seen the study and did not know what the zone of influence was. He clarified that he was not trying to say the traffic study would not mitigate problems. He was trying to explain that the traffic study would help to identify the problems so the developer could work with the City in an attempt to mitigate the problems. COMMISSIONER McSWAIN replied that she did not expect the study to impact traffic, but what would be implemented because of the study would make an impact. COMMISSIONER DAVENPORT confirmed the study would indicate what volume of traffic could be anticipated and how far out it would have to go before it dissipates. CHAIRMAN TRUESDELL reminded everyone that staff would be putting requirements on the applications to have the developer do whatever they can to mitigate problems associated with the property.

COMMISSIONER DAVENPORT felt the traffic information was vital to the Commission so that they could make the best decision possible. He did not feel he had adequate information to make a sound decision on this project. The Commissioner did not want to create a bigger gridlock than that which already exists. He wanted to review the traffic study and report himself and he commented that there were audience members who would like the opportunity to meet with the developers again. He felt a two-week abeyance would be appropriate.

COMMISSIONER GOYNES stated that high rises are a new product in Las Vegas and part of the high-rise character in the downtown area includes a certain aspect of walkability. He did not

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feel an 832-unit development would result in 832 cars. As an employee of a public transportation company, he knows there have been increases in route frequency and projects such as this would result in added busses. In the future, this area could become a walkable area or the residents could work closely enough that they could take a bus to go to work. He felt the future widening of Martin Luther King Boulevard would help with the congestion as well. COMMISSIONER GOYNES stated that not approving this project because it causes traffic congestion does not make sense because intersections all over town are congested daily. People need to be smart and start using public transportation for everyday travel needs. He stated that Las Vegans enjoy riding in their cars alone but that mentality will need to change as the type of development in town changes.

COMMISSIONER STEINMAN stated that he has repeatedly voiced his concerns over the Commissioners having to make decisions on projects before the traffic studies are completed. All discussion over traffic concerns is speculative. He estimated that with a 900-unit development that only brought 500 cars, which make two trips a day, is 2,000 trips. It will have an impact. He hoped the City would establish standards on projects of this size so that a study is provided and analyzed before the item is heard before the Commission and Council.

He also stated that adjacency standards are in place for a reason. The standards on this project call for the building being 1,200 feet away from the adjoining property. This project proposes placing that building 20 feet away. COMMISSIONER STEINMAN asked the applicant to justify a request of that magnitude. He could not see how placing a tower on top of adjacent homes could be beneficial in any manner.

MR. LeGRAND replied that it was his understanding that the area was to be included within the Redevelopment Zone, which would not include setback requirements at all. He stated the property is currently zoned for C-1, which permits a much higher density and use and much more traffic than that which is being proposed. He felt it was crucial to keep in mind that this is a reduced level of use from what would otherwise be permitted without the need to appear before the Commission for a zoning application. The applicant felt the project was sensible, appropriate and reasonable for this location in light of the City's objectives for development in this immediate area. MR. LeGRAND stated that type of residential development could be utilized by employees of the medical district that is located to the south of the site.

COMMISSIONER STEINMAN pointed out that staff has no idea what the traffic impact of this development would be. He asked staff to justify the request for the variance for residential adjacency if it did not apply to this district. MR. FAGG stated it does apply and that is why the application for the variance was before the Commission. Staff has recommended approval on



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the variance after taking into consideration the area and buffers among other factors. COMMISSIONER STEINMAN confirmed with MR. FAGG that the development to the north of this site is a medium density residential that are three stories and have a three-foot separation. MS. WHEELER clarified it is a three-story, small-lot, single-family development. The Commissioner voiced concern over allowing a tower to be built on top of that. He felt the variance was very serious.

CHAIRMAN TRUESDELL said that in fairness to staff and the developer, the Commission did approve a Town Center plan in the northwest that put a twelve-story building adjacent to an R-1 house. This intersection is one of the most studied intersections in town because of the traffic. As applicants begin to bring projects into the area, it is beneficial to bring in their Traffic Engineer to address concerns during discussion. The Chairman stated that staff is doing a good job of trying to address traffic concerns as well as other issues associated with the projects. Staff put a condition on this project concerning the sewer infrastructure. Each project must carry its share. To ask for a compromise on the sewer would be an undue burden to put on the entire downtown area in order to build one project. The City has very good Traffic Engineers and there are excellent Traffic Engineers in the engineering community. It is also important to remember that this project is adjacent to Project Neon and Martin Luther King Boulevard will be a super arterial at some point in the future.

The Chairman felt that saying the traffic would exit from the Alta Drive exit and head east is hopeful but unlikely. There are no grocery stores to the east of this site. The closest grocery store is to the west on Rancho Road. On the other hand, a fifty-story office building would not be supported there. If a large store like a Super Wal-Mart went in at this site, the traffic would still remain a concern and he did not feel that was likely.

CHAIRMAN TRUESDELL had additional concerns and noted that with all of the projects slated for the downtown area, not one school has been planned. The same situation exists in West Las Vegas. Clark County School District has not come down to discuss this issue. If this project were proposed for the northwest, schools would certainly have been a major concern.

CHAIRMAN TRUESDELL wanted to make it clear that he likes this project but that there are questions that must be addressed. He questioned the lighting on the amenities deck and asked if it would be extremely lit for evening usage. Even with down lighting, there would be a light wash on the neighborhood. He also voiced concerns over the commercial component that would occupy the bottom floors. Projects such as this one, are intense; however, it is proposed for the urban core and that type of development is appropriate there. He felt the City should start questioning affordability. MR. LeGRAND had stated the medical district employees would be

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**MINUTES – Continued:**

probable tenants. CHAIRMAN TRUESDELL challenged that statement by saying single nurses do not generally purchase \$300,000 homes. He questioned how teachers, policemen and nurses are supposed to live in the urban core when there is no affordable housing being proposed. To reach the Manhattanization goals of the City, affordability has to be addressed.

He concluded that he does support the project because it is what the development community has been asked to bring forward. When the developer works with staff and meets their obligations, the Commission has an obligation to be fair in understanding how the projects affect the neighborhoods and residents.

COMMISSIONER EVANS stated that the applicant is taking cues from the City's bureaucracy and unfortunately, due to the number of applications of this magnitude, the City has not been able to measure what the consequences could and should be. The County is seeing a number of high-rise projects as well. He stated that he is a proponent of high-rise development and felt the Commission supported them as well, within certain areas of town. He voiced concerns over the residential adjacency waiver and the tower overlooking the adjacent homes. The Commissioner was also worried about the magnitude of the project and stated he was not sure if he could vote as he was not comfortable with the project. COMMISSIONER EVANS felt it only fair to let the applicant know what it is the board would like changed, if that was what was being proposed because the applicant has not received direction from the board.

CHAIRMAN TRUESDELL stated he disagreed to a certain extent with what COMMISSIONER EVANS said. The area is an urban core with the Furniture Mart, the 61-acre site and the existing residential densities. The City has concluded that this area is appropriate for a project such as this development. COMMISSIONER EVANS interjected by saying that the City is not looking at schools or traffic and Commissioners have asked questions that no one has answers to. CHAIRMAN TRUESDELL indicated there is no way to know all of the answers at this point. A revitalized city is always evolving and will experience successes and failures. Without the promotion of redevelopment projects, there will be no positive direction in the downtown area. As more projects come forward, more complex questions will be asked and staff and the applicants will have to bring forth the answers. COMMISSIONER EVANS agreed, but suggested the current discussion indicates that projects would be built and then the problems would be addressed after the fact. CHAIRMAN TRUESDELL stated at this point, it is not feasible to wait until the process is perfect before moving forward on the revitalization effort. The Chairman indicated that the SOHO Lofts will be the first development of this nature to come out of the ground. As it does, staff will develop additional questions.



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**MINUTES – Continued:**

If this development was a Super Wal-Mart, there would be more than 800 additional cars on the area streets. MR. LeGRAND interrupted the Chairman to offer that his Traffic Engineer could come forward and clarify the actual number of anticipated trips because the study is complete, just not approved. CHAIRMAN TRUESDELL appreciated the offer but explained the agenda was extensive. He indicated that if 800 parking spaces are provided and there are 800 cars there, they will be driven and that will result in an impact. MR. LeGRAND stated that the study indicates that the contributions and dedications required will mitigate the potential traffic impact of this development.

COMMISSIONER DAVENPORT stated he would like an opportunity to meet with the applicant and asked if an abeyance could be considered. MR. LeGRAND replied that unfortunately, the timetable of the project would not allow him to agree to an abeyance. COMMISSIONER DAVENPORT stated that developers of smaller projects usually come and speak to the Commissioners prior to the item being heard. He would be unable to support the item unless some of his questions were answered. COMMISSIONER EVANS felt the hearing was the forum for those questions to be answered. COMMISSIONER DAVENPORT said that would be fine; however, the applicant did not have the answers. MR. LeGRAND pointed out that his Traffic Engineer was in the audience with the study.

CHAIRMAN TRUESDELL stated that there have been phenomenal examples of the development community meeting with the neighbors and bringing forward concise solutions to resident concerns. He added that it is difficult to make an informed decision without a complete understanding of the site.

COMMISSIONER DAVENPORT indicated he would motion for abeyance and he requested that staff provide copies of the traffic report and information to all Commissioners. COMMISSIONER McSWAIN stated she did not know what the target market for the development was; however, she wanted to have the applicant discuss what potential buyers are going to be told regarding the availability of schools. COMMISSIONER EVANS also suggested the applicant bring back some colored illustrations that can further describe the product as none were provided. MR. BENOIT explained that the applicant had been taking direction from staff and have not furthered the design at this point. The applicant has been primarily working on the calming mechanisms for the traffic. COMMISSIONER EVANS thought for a \$311 million dollar project there would be something more substantial to review. MR. BENOIT assured him that it would be done as the project moves further. He added that the comments from the Planning Department had just been received two days prior and the applicant wanted to be sure to incorporate any suggestions into the design before anything is printed.

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**MINUTES – Continued:**

COMMISSIONER McSWAIN indicated she was supportive of the project but she did acknowledge the scope of the project and the many concerned neighbors. She hoped that in the future, staff would look more closely at these types of projects. She requested that a workshop be held on high-rise development. The workshop might relieve the applicant from being caught of guard by unanticipated questions.

COMMISSIONER GOYNES added that perhaps the applicant could try to hold a neighborhood meeting. MS. WHEELER stated there was a neighborhood meeting held on September 14, 2004, and it was well attended. On that date, staff emphasized to the applicant, the importance of getting the traffic study submitted as soon as possible.

MR. LeGRAND stated that there was second presentation held on October 12, 2004, for the homeowners association and the Traffic Engineer, BRAD COOK, could explain what was stated there.

BRAD COOK, 3821 East Reno Avenue, clarified that the Traffic Study was submitted on October 13, 2004. He stated it had only been in staff's possession for about a week and the review period is considerably longer than that. MR. COOK pointed out the total traffic this development will generate during the afternoon peak travel times is 376 trips. This number represents a 5 to 6 percent increase over the existing traffic.

(8:16-9:29)

**2-1520**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**

**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**ZON-4941 - REZONING RELATED TO GPA-5034 - PUBLIC HEARING - APPLICANT: AMBLINE MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC - Request for a Rezoning FROM: C-1 (LIMITED COMMERCIAL) TO: R-PD50 (RESIDENTIAL PLANNED DEVELOPMENT – 50 UNITS PER ACRE) on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard (APN 139-33-202-005), Ward 5 (Weekly).**

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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| <b>0</b> |
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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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| <b>0</b> |
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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION**

**DAVENPORT – Motion to HOLD IN ABEYANCE – APPROVED – Motion carried with TRUESDELL voting NO and NIGRO abstaining because he owns property within the notification boundary on this item**

**To be held in abeyance until 11/04/2004 Planning Commission Meeting**

**MINUTES:**

See Item 31 [GPA-5034] for all related discussion on Item 31 [GPA-5034], Item 32 [ZON-4941], Item 33 [VAR-5035] and Item 34 [SDR-5155].

(8:16-9:29)

**2-1520**

**CONDITIONS:**

Planning and Development

1. A General Plan Amendment (GPA-5034) to a High Density Residential land use designation approved by the City Council.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 32 – ZON-4941

**CONDITIONS – Continued:**

2. A Resolution of Intent with a two-year time limit.
3. A Site Development Plan Review (SDR-5155) application approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

4. Coordinate the location and right-of-way requirements for the Martin L. King Boulevard flyover project with the Nevada Department of Transportation (N.D.O.T.) prior to the issuance of any permits or the submittal of a Tentative Map for this site, whichever may occur first.
5. Dedicate an additional 20 feet of right-of-way adjacent to this site for Alta Drive and Martin L. King Boulevard concurrent with development of this site. Also dedicate the appropriate right-of-way required for a bus turnout/deceleration lane on Alta Drive and rights-of-way per standard drawing 201.1 for the intersection of Martin L. King Boulevard and Alta Drive unless specifically noted as not required by the Traffic Impact Analysis.
6. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards. Construct all incomplete half-street improvements on Alta Drive and Martin L. King Boulevard adjacent to this site concurrent with development of this site.
7. If not already constructed at time of development, construct the oversized Clark Avenue sewer main from Las Vegas Boulevard to 14th Street. Coordinate with the Collection Systems Planning Section of Public Works to determine appropriate public sewer paths to service this site prior to the submittal of any sewer-related construction drawings. The offsite public sewer improvements will be required to provide capacity for this project.
8. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
9. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved

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**CONDITIONS – Continued:**

Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

10. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
11. Landscape and maintain all unimproved rights-of-way on Alta Drive and Martin L. King Boulevard adjacent to this site.
12. Submit an application for an Occupancy Permit for all landscaping and private improvements in the Martin L. King Boulevard public right-of-way adjacent to this site prior to the issuance of any permits. Submit an Encroachment Agreement for all landscaping and private improvements located in the Alta Drive public right-of-way adjacent to this site prior to issuance of any permits for this site.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**VAR-5035 - VARIANCE RELATED TO GPA-5034, AND ZON-4941 - PUBLIC HEARING - APPLICANT: AMBLINE MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC - Request for a Variance TO ALLOW A 20 FOOT SETBACK WHERE 1,212 FEET IS REQUIRED on 16.78 acres north of Alta Drive and west Martin L. King Boulevard (APN 139-33-202-005), C-1 (Limited Commercial) Zone [PROPOSED: R-PD50 (Residential Planned Development – 50 Units Per Acre)], Ward 5 (Weekly).**

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION**

**DAVENPORT – Motion to HOLD IN ABEYANCE – APPROVED – Motion carried with TRUESDELL voting NO and NIGRO abstaining because he owns property within the notification boundary on this item**

**To be held in abeyance until 11/04/2004 Planning Commission Meeting**

**MINUTES:**

See Item 31 [GPA-5034] for all related discussion on Item 31 [GPA-5034], Item 32 [ZON-4941], Item 33 [VAR-5035] and Item 34 [SDR-5155].

(8:16-9:29)

**2-1520**

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 33 – VAR-5035

**CONDITIONS:**

Planning and Development

1. Conformance with all conditions of approval of General Plan Amendment GPA-5034, Rezoning ZON-4941, and Site Plan Review SDR-5155 approved by the City Council.
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. The applicant shall acquire all necessary permits from the Department of Building and Safety.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SDR-5155 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-5034, ZON-4941, AND VAR-5035 - PUBLIC HEARING - APPLICANT: AMBLINE MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC** - Request for a Site Development Plan FOR A PROPOSED 21 STORY, 840 UNIT CONDOMINIUM DEVELOPMENT IN THREE BUILDINGS on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard (APN 139-33-202-005), C-1 (Limited Commercial) Zone [PROPOSED: R-PD50 (Residential Planned Development – 50 Units Per Acre)], Ward 5 (Weekly).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION**

**DAVENPORT – Motion to HOLD IN ABEYANCE – APPROVED – Motion carried with TRUESEDELL voting NO and NIGRO abstaining because he owns property within the notification boundary on this item**

**To be heard by City Council 11/17/2004**

**MINUTES:**

See Item 31 [GPA-5034] for all related discussion on Item 31 [GPA-5034], Item 32 [ZON-4941], Item 33 [VAR-5035] and Item 34 [SDR-5155].

(8:16-9:29)

**2-1520**



PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 34 – SDR-5155

**CONDITIONS:**

Planning and Development

1. Conformance with all conditions of approval of General Plan Amendment GPA-5034, Rezoning ZON-4941, and Variance VAR-5035 approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations, date stamped September 3, 2004, except as amended by conditions herein.
4. The applicant shall submit a Variance application for approval by City Council, in order to permit a reduction in the Open Space requirement listed in Title 19.06.040(G), prior to the issuance of building permits.
5. The applicant shall submit plans and elevations for the proposed retail structure on the south side of the site adjacent to Alta Drive for administrative review and approval by Planning staff prior to the issuance of a building permit.
6. The elevations of the parking structures shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, with additional architectural features to enhance façade articulation and compatibility with the residential structures.
7. The applicant shall be required to develop a Multi-Use Transportation Trail along the Alta Drive frontage in compliance with the Transportation Trails Element of the General Plan.
8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 15% of the total landscaped area as turf.
9. Landscaping and a permanent underground sprinkler system for the landscape materials shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 34 – SDR-5155

**CONDITIONS – Continued:**

10. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
11. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets. All trash enclosures shall have walls and a roof in accordance with the requirements of Title 19.08.045.
12. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
13. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or on-site service panel location.
14. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
15. Signage for the development shall be permitted in conformance with the requirements of Title 19.14.
16. All City Code requirements and design standards of all City departments must be satisfied.

**Public Works**

17. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
18. Gated access drives shall be designed, located and constructed in accordance with Standard Drawing #222A.
19. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
20. Site development to comply with all applicable conditions of approval for ZON-4941 and all other subsequent site-related actions.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 34 – SDR-5155

**CONDITIONS – Continued:**

21. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**GPA-5172 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: LEGEND HOMES - OWNER: STAR LIVING TRUST AND MATRIX DEVELOPMENT CORPORATION** - Request to Amend a portion of the Centennial Hills Interlocal Land Use Plan of the General Plan FROM: RE (RURAL ESTATES) TO: R (RURAL DENSITY RESIDENTIAL) on approximately 6.7 acres adjacent to the southwest corner of El Campo Grande Avenue and Mustang Road (APN 125-26-801-012), Ward 6 (Mack).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report

**MOTION:**

**NIGRO – Motion to HOLD IN ABEYANCE – APPROVED – UNANIMOUS with McSWAIN abstaining because her spouse has a business relationship with Robert Turi**

**To be held in abeyance until 11/18/2004 Planning Commission Meeting**

**MINUTES:**

CHAIRMAN TRUESDELL declared the public hearing open on Item 35 [GPA-5172], Item 36 [ZON-5174], Item 37 [SDR-5175] and Item 38 [WVR-5331].

GARY LEOBOLD, Planning and Development, requested for the Commission to vote on Item 38 prior to Item 37. So, the motion was Item 35, Item 36, Item 38 and then Item 37. CHAIRMAN TRUESDELL concurred.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 35 – GPA-5172

**MINUTES – Continued:**

MR. LEOBOLD stated that the General Plan Amendment applies to the northern 6.7 acres of the 8.47 acre parcel, which is designated as RE (Rural Estates). The remaining portion of the site is already designated as R (Rural Density Residential). The amendment would allow for the entire parcel to be designated as R. The parcels on this site should be annexed into the City effective November 12, 2004.

The request is not appropriate for the area as the majority of adjacent parcels are designated RNP (Rural Neighborhood Preservation) with a maximum allowable density of two units per acre. The proposed General Plan Amendment would introduce residential densities and lot sizes into the area that are not compatible with the rural nature of the adjacent RNP (Rural Neighborhood Preservation) designated parcels. Also, the RNP properties cannot be amended per the Interlocal Agreement between the city of Las Vegas and Clark County.

The applicant held a neighborhood meeting on September 7<sup>th</sup>, and 27 residents were in attendance. Their primary concern was that development at this density would not allow for horses; as a result, new homeowners would eventually have issues with the horses.

The rezoning request is to rezone from U (Undeveloped) to R-PD3 (Residential Planned Development). MR. LEOBOLD pointed out that all proposed lot lines shown on the plan extend to the centerline of the proposed private streets. This results in the actual usable lot areas being much smaller than what is depicted on the site plan. The private street was called out as an individual common lot to be maintained by the homeowner's association. So, that land would not be constituted as part of the adjacent lots in the subdivision. Due to the discrepancy of lots of this size with the lots in the surrounding area, staff recommended denial.

The request is for a Waiver of Title 18.12.160 to allow a 182-foot separation between intersections where a minimum of 220 feet is required for a proposed 32-lot single-family development adjacent to the northwest and northeast corners of Ann and Mustang Road. Staff recommended denial due to the applications are companion items linked to the Site Plan, which staff recommends denial on as well.

The site plan depicts a 32-lot residential development on 10.65 acres. Internal circulation is protected by 37 feet wide private streets. The proposed site plan depicts lot sizes ranging between 8,645 and 12,662 square feet, which are significantly smaller than those in the area. In addition, all proposed lot lines shown on the plan extend to the centerline of the proposed private drive. This results in the actual usable lot areas being much smaller than what is depicted on the site plan. The adjacent parcels have minimum lot sizes of over one half acre, are rural in nature, and have densities that are incompatible with the three units per acre proposed by this application. Adjacent areas with RE are required to have a minimum per lot size of 20,000

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 35 – GPA-5172

**MINUTES – Continued:**

square feet. Due to this discrepancy, staff felt the proposed project is incompatible and recommended denial.

BILL CURRAN, Attorney, Curran and Perry, 300 S. 4<sup>th</sup> Street, appeared on behalf of the applicant. He then introduced representatives from Stantec Consulting, Inc., ROBERT TURI and TERI LIVENGOD, who were present to answer any questions the Commission may have had. ATTORNEY CURRAN concurred with staff's conditions.

MR. TURI reiterated MR. LEOBOLD'S overview of the proposed project. He emphasized that this project is not part of the Rural Neighborhood Preservation (RNP) zone. He showed photos of the proposed project and the surrounding development, which depicted R1 and RPD-3 development, and his opinion was that the proposed project was compatible and consistent with the existing neighborhood.

MR. TURI continued by stating that the proposed project is unique because three sides (65%) of the perimeter property line is on the streets and 35% of the area shares a common property line. He used the overhead to explain comparisons, including a parcel that was approved for RPD-2, which had 20% of the property line faces the streets and 80% of the property shared common property lines. The applicant felt Ann Road, Mustang Street and El Campo Grande buffer the proposed project from the neighboring properties across the street, and the project is in compliance with the Nevada Revised Statutes (NRS). MR. TURI stated that the goal is to create efficient use of the land while developing affordable homes. The open space area on the proposed project exceeds the requirements and has been placed along the common boundary to assist in buffering. He noted that disclosures could assist in advising purchasers of what they are purchasing and what surrounds the neighborhood. In closing, MR. TURI confirmed with CHAIRMAN TRUESDELL his concurrence with staff's conditions.

ROD CAMPBELL, 5750 N. Torrey Pines Drive, resides west of the proposed project. He thanked MR. TURI for displaying the photos. MR. CAMPBELL stated that the parcel is surrounded with rural property. He emphasized that the applicant has not made any concessions for the residents relative to the residents' concerns, such as the community well that services five existing homes and limiting the number of two-story homes. There are several horse properties, including his, that the proposed project would have a direct impact on the value of their land and the usability of their properties.

ROBERT HANNAH, 5712 N. Torrey Pines Drive, complimented the staff for their recommendation of denial on the proposed project. He agreed that when guidelines exist, they must be followed. His opinion was that this project is for profit only, adding that the new homeowners would have issues with their horse properties.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 35 – GPA-5172

**MINUTES – Continued:**

JACKIE MATTHEWS, 5640 N. Mustang Street, stated that the proposed project is in the front and on the side of her property. The lots on Mustang Street are one-acre lots and larger. She expressed concern about the lot immediately next to hers, as the proposal is to place four lots per acre. The zoning allows for two lots per acre, with the land use allowing up to 3.5 lots per acre. Her opinion was that the proposed project was not appropriate for the surrounding land and requested the Commission's denial on this project.

ATTORNEY CURRAN responded that the applicant intends to abide by any agreements made with the residents. He added that it was agreed to place only single story homes adjacent to MS. MATTHEW'S property. There was a discussion concerning the community well, and whether it lays on MR. CAMPBELL'S or the developer's side of the wall. He was informed that there was an existing gate in the wall that is rustic and not being utilized and is unsure of the purpose of the gate. It was not the applicant's desire to take part in the community well and do not believe it is on their property. There was uncertainty as to what the residents wanted relative to the community well, but ATTORNEY CURRAN stressed that the applicant does not want the responsibility of the well.

MR. TURI reiterated his previous comments regarding surrounding development consisting of R1 and RPD-3 development. He added that the rear portions of some of the parcels are not utilized, and there is a large distance between each parcel (over 120 feet). Some have corals or vacant land. He understood the residents' concerns with new homeowners possibly complaining about the horses and felt that the disclosure would alleviate that concern. He emphasized that it is not the intent of the owners of this property to disrupt the lives of the existing homeowners. MR. TURI continued by stating that the applicant is willing to plant trees along the rear property line, which would provide additional buffer and screening to the adjacent residents.

CHAIRMAN TRUESDELL advised ATTORNEY CURRAN that the community well deals with a different property, and the Commission needed to focus on the application that was before them at this meeting.

COMMISSIONER GOYNES asked about the neighborhood meeting and what concessions were made by the applicant. MS. LIVENGOOD responded that the meeting did not go well, and the residents were concerned about their privacy and having two-story homes adjacent to some of their properties, as well as, the size of the lots should be at least half-acre lots.

COMMISSIONER GOYNES commented that residents do not want to see two-story homes next to theirs, given the distance between each home. He then asked about additional buffering. MS. LIVENGOOD responded that the developer is still open to suggestions and willing to work with



PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 35 – GPA-5172

**MINUTES – Continued:**

the residents. ATTORNEY CURRAN reiterated that the developer agreed to plant additional trees along the property line.

VICE CHAIRMAN NIGRO stated that the Commission has been sensitive to change in Las Vegas relative to land value and densities. He then stated that the proposed project looks like an island surrounded by RNP (Rural Neighborhood Preservation). Given the lateness of the meeting, he informed MS. LIVENGGOOD that the interest is not to negotiate and compromise during the meeting between residents. He felt that no specific comments were made during their presentation as to what concessions have been made nor does the site plan include any of these concessions. This should have happened prior to this meeting and then presentation is made to the Commission as to what was agreed upon. MS. LIVENGGOOD responded that the presentation given at this meeting was to inform the Commission of what was discussed at the neighborhood meeting, what the residents said they could or could not agree to, and then discuss with the Commission any conditions, as the developer was willing to accept them. VICE CHAIRMAN NIGRO commented that the applicant should propose to the Commission exactly what they were willing to do to buffer this development and felt that this had not been done. He added that he could not support the proposed project as it is; he would be willing to give the applicant time to revise the project relative to the density, setbacks and the distance between adjacent lots to the west.

After speaking with his client, ATTORNEY CURRAN advised the Commission that they are willing to hold the item for two weeks and work with the residents in redesigning the site plan. MR. LEOBOLD responded that two weeks would not be sufficient time. COMMISSIONER EVANS agreed with VICE CHAIRMAN NIGRO and stated that a dialogue must take place between those who will be impacted by the proposed project. He sympathized with the residents who attended and stayed late for this discussion item, then advised the applicant that the compromising should have taken place prior to this meeting. Although ATTORNEY CURRAN felt that the issues were resolved with the residents, COMMISSIONER EVANS respectfully disagreed. He added that staff recommended denial, the zoning application does not meet Code, and it is spot zoning.

CHAIRMAN TRUESDELL stated that if the item was held in abeyance, a meeting must take place with the residents to come up with solutions. He reiterated that the compromising should have taken place prior to this meeting, but he would support giving the applicant additional time to resolve the residents' concerns.

ROBERT GENZER, Planning and Development, explained to the Commission that if the item was abeyed for two weeks, a different team would have to work on this application who are not



PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 35 – GPA-5172

**MINUTES – Continued:**

familiar with this application. As a result, he recommended holding the item in abeyance for 30 days until the November 18, 2004 Planning Commission meeting.

ATTORNEY CURRAN requested the names of all residents who were in attendance at this meeting so he could ensure that they are contacted for the neighborhood meeting. CHAIRMAN TRUESDELL agreed and encouraged the residents to do so. He also requested that the applicant has at least one, if not more, neighborhood meetings to ensure they address the residents' concerns. VICE CHAIRMAN NIGRO approved of holding the items with the stipulation that the applicant has at least one neighborhood meeting. COMMISSIONER GOYNES requested for ATTORNEY CURRAN to contact him also, as he would like to attend the neighborhood meeting as well. ATTORNEY CURRAN concurred.

CHAIRMAN TRUESDELL declared the public hearing closed on Item 35 [GPA-5172], Item 36 [ZON-5174], Item 37 [SDR-5175] and Item 38 [WVR-5331].

(9:51-10:38)

**3-1078**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**ZON-5174 - REZONING RELATED TO GPA-5172 - PUBLIC HEARING - APPLICANT: LEGEND HOMES - OWNER: STAR LIVING TRUST AND MATRIX DEVELOPMENT CORPORATION - Request for a Rezoning FROM: U (UNDEVELOPED) [R (RURAL DENSITY RESIDENTIAL) AND RE (RURAL ESTATES) GENERAL PLAN DESIGNATIONS] TO: R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT – 3 UNITS PER ACRE) on 10.65 acres adjacent to the southwest corner of El Campo Grande Avenue and Mustang Road (APN 125-26-801-012 and 125-26-802-014), Ward 6 (Mack).**

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – Motion to HOLD IN ABEYANCE – APPROVED – UNANIMOUS with McSWAIN abstaining because her spouse has a business relationship with Robert Turi**

**To be held in abeyance until 11/18/2004 Planning Commission Meeting**

**MINUTES:**

See Item 35 [GPA-5172] for related discussion on Item 35 [GPA-5172], Item 36 [ZON-5174], Item 37 [SDR-5175] and Item 38 [WVR-5331].

(9:51-10:38)

**3-1078**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SDR-5175 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-5172 AND ZON-5174 - PUBLIC HEARING - APPLICANT: LEGEND HOMES - OWNER: STAR LIVING TRUST AND MATRIX DEVELOPMENT CORPORATION** - Request for a Site Development Plan Review FOR A 32 LOT RESIDENTIAL SUBDIVISION on 10.65 acres adjacent to the southwest corner of El Campo Grande Avenue and Mustang Road (APN 125-26-801-012 and 125-26-802-014), U (Undeveloped) [R (Rural Density Residential) and RE (Rural Estates) General Plan Designations] [PROPOSED: R-PD3 (Residential Planned Development – 3 Units Per Acre)], Ward 6 (Mack).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – Motion to HOLD IN ABEYANCE – APPROVED – UNANIMOUS with McSWAIN abstaining because her spouse has a business relationship with Robert Turi**

**To be held in abeyance until 11/18/2004 Planning Commission Meeting**

**MINUTES:**

See Item 35 [GPA-5172] for related discussion on Item 35 [GPA-5172], Item 36 [ZON-5174], Item 37 [SDR-5175] and Item 38 [WVR-5331].

(9:51-10:38)

**3-1078**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**WVR-5331 - WAIVER RELATED TO GPA-5172, ZON-5174, AND SDR-5175 - PUBLIC HEARING - APPLICANT: LEGEND HOMES - OWNER: MATRIX DEVELOPMENT CORPORATION - Request for a Waiver of Title 18.12.160 TO ALLOW A 182-FOOT SEPARATION BETWEEN INTERSECTIONS WHERE A MINIMUM OF 220 FEET IS REQUIRED WHEN PROVIDING EXTERNAL ACCESS FROM A SUBDIVISION TO AN EXISTING STREET HAVING A RIGHT-OF-WAY WIDTH OF 60 FEET OR MORE, IN CONJUNCTION WITH A PROPOSED 32-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 10.65 acres adjacent to the northwest and northeast corners of Ann Road and Mustang Road (APN 125-26-801-012 and 125-26-802-014), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] [PROPOSED: R-PD3 (Residential Planned Development - 3 Units Per Acre)], Ward 6 (Mack).**

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – Motion to HOLD IN ABEYANCE – APPROVED – UNANIMOUS with McSWAIN abstaining because her spouse has a business relationship with Robert Turi**

**To be held in abeyance until 11/18/2004 Planning Commission Meeting**

**MINUTES:**

See Item 35 [GPA-5172] for related discussion on Item 35 [GPA-5172], Item 36 [ZON-5174], Item 37 [SDR-5175] and Item 38 [WVR-5331].

(9:51-10:38)

**3-1078**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**GPA-5182 - GENERAL PLAN AMENDMENT - PUBLIC HEARING -  
APPLICANT/OWNER: INFIELD DEVELOPMENT II, LLC AND JOHN D. FIELD -**  
Request to Amend a portion of the Centennial Hills Interlocal Land Use Plan of the General Plan  
**FROM: O (OFFICE) TO: SC (SERVICE COMMERCIAL)** on 2.49 acres adjacent to the  
southwest corner of Alexander Road and Leon Avenue (APN 138-12-110-021 and 022), Ward 6  
(Mack).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report

**MOTION:**

**McSWAIN – DENIED – UNANIMOUS**

**To be heard by City Council 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 39 [GPA-5182], Item 40 [ZON-5183] and Item 41 [SDR-5184].

FLINN FAGG, Planning and Development Department, explained that the General Plan Amendment proposes changing the designation from Office (O) to Service Commercial (SC). He noted the Rancho Corridor Study resulted in a General Plan Amendment and Rezoning last year on this very same parcel. At that time, it was intended that the parcel serve as a buffer between the more intense commercial uses on Rancho Road and the desert rural, residential area immediately to the east of the site. A neighborhood meeting was held on September 21, 2004 and six residents attended that meeting. The primary concerns related to traffic on Leon Avenue, site access, hours of operation and parking lot lighting.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 39 – GPA-5182

**MINUTES – Continued:**

The change in the General Plan designation would not offer a transition between commercial and residential uses, as desired by the Rancho Corridor Study; therefore, staff recommended denial.

The companion rezoning item requests changing the zoning designation from Office (O) to Limited Commercial (C-1) and staff recommends denial for the same reasons. The companion Site Plan Review application requests approval to allow a 14,000 square-foot office building and a 17,250 square-foot commercial building. A waiver from the Commercial Development Standards is also being requested to allow a 10-foot setback where 20 feet is required. Staff is supportive of the waiver; however, because of the General Site Plan and Rezoning applications, staff recommends denial to remain consistent. He noted that if approved, Condition 6 should be changed so the Site Plan date reflected October 1, 2004.

JOHN FIELD, Owner, 4522 Amber Canyon Drive, appeared on behalf of the applicant and explained that during the neighborhood meeting, the residents expressed concern regarding access in and out of the project. He clarified that there are two projects with a joint access agreement that allows both projects to use Leon Avenue for ingress/egress. MR. FIELD stated the approach was put off of Alexander Road, which is where the residents requested it be located. He continued that the neighbors also had issues regarding the lighting, and he assured them that the lighting would not reflect into the neighbor's homes. He indicated that after a subsequent meeting with the neighborhood association, he felt all the issues had been addressed. Several changes to the plan had been made throughout the process including issues pertaining to parking, elevations, landscaping and block wall buffers. MR. FIELD felt all of these changes resolved all concerns of the neighborhood.

JOHN LASPALUTO, APTUS Architecture, 1200 South 4<sup>th</sup> Street, appeared and explained that during the initial meeting with the neighbors, one of the main objections of the neighbors was having an entrance on Leon Avenue. The neighbors opposed having additional traffic on that street. The problem was solved when the entrance was moved to Alexander Road. The other main concern pertained to the buildings lack of residential character. The elevations were revised to address that problem. He agreed that the original plan for the front of the building did lack character. A screen was added to the front of the main building and the landscaping was enhanced. He continued by saying the other building on the site would be an office building and the neighbors voiced concerns regarding the east elevation. The east elevation would be the side of the building that faced the residents' homes. To address that issue, some architectural detail was added to the building. MR. LASPALUTO also noted that the plans did not reflect some landscaping that was previously planned for that building. When the architectural details were added, the landscaping was included on the revision.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 39 – GPA-5182

**MINUTES – Continued:**

MR. FIELD reiterated that what appears to be one project is actually two. The first is an office building and the second is a batting cage. The application for the rezoning is attributed to the batting cage project.

LIZ THOMPSON stated she lived across the street from the project, down about two houses. She explained the neighborhood is rural and the residents are familiar with fighting rezoning applications. She stated that two years ago, an office building was constructed in the area and it was understood by the neighbors that the City would not entertain changing the zoning back to C-1 zoning there. MS. THOMPSON stated she was not opposed to the batting cage project, but did not want to see the zoning revert to C-1. She was concerned about what could end up on that property if MR. FIELD'S batting cage project did not prove successful. Allowing the zone change could result in unwanted businesses taking over the property.

MARY GREENE, 3931 Leon Avenue, stated her property is directly across the street from the proposed site and that she had several concerns regarding this project. She felt that although she had voiced her concerns at the neighborhood meeting, they were not addressed. MS. GREENE indicated that should this property be zoned commercial, and the indoor batting cages are constructed, there will be an increase in traffic and noise. She said that horses currently travel on Leon Avenue and the increased traffic could jeopardize those horses and the children that ride them. Also, she feared having teenagers driving to the batting cages with their younger siblings. She worried the clientele could result in an increase in gang activity, drug sales and crime in the area. MS. GREENE stated that the relocation of the entrance off of Leon Avenue would not reduce the traffic in the area. She asked the Commission to deny the applications.

ED GOBEL, 3017 Quiet Breeze Court, thanked the Chairman and Commissioners for listening to the neighbors regarding this item. He also commended staff for a job well done and for finding the project incompatible as a buffer. MR. GOBEL suggested that in the future, when developers wish to hold a neighborhood meeting, they should contact the neighborhood association first so the association can be sure to have all the neighbors together for one meeting. MR. GOBEL stated the neighbors were led to believe there would be one change requesting the zone change to C-1 to accommodate the batting cages. In the staff report, there were other requests made. He suggested that MR. FIELD apply for a Special Use Permit that would allow his batting cages in the area without rezoning the property.

PHYLLIS McGUIRE, 3909 Leon Avenue, stated she understood there was a batting cage approved for the Ann/Centennial area and she did not think this project would good forth. Once the zoning change is attained, any business that can operate within a C-1 zoning could buy his property from him. By granting a Special Use Permit, if the company is not successful, some

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 39 – GPA-5182

**MINUTES – Continued:**

control can remain over what development goes in on that property. She stated the neighbors are against the rezoning.

LINDA WEST-MYERS, 5104 Cold River Avenue, indicated she is a past president of the homeowners association. The association's position is to support the needs of the residents closest to any project coming into the neighborhood. The residents do consider the neighborhood a rural, residential area and recognize this property as a buffer between that rural environment and the commercial properties on Rancho Road. She reiterated that the residents do not want the zoning to change on this parcel. The current zoning of Office (O) is appropriate. She would be supportive of the project if it could move forward within the current zoning and other neighborhood conditions are met. She also suggested granting a Special Use Permit for the project.

MR. FIELD said that his original intent was not to rezone the two parcels. He stated that staff suggested that he apply for a rezoning for both parcels at the same time. His goal was to put in a batting cage on one lot and an office on the other lot. He told the neighbors that the batting cage has been designed so that if the project was not successful, the building could be converted to office. MR. FIELD stated that although he did not understand the process completely, if it were possible to have the property revert back to the Office (O) zoning in the event his batting cages were closed, he would accept that condition. Regarding the issues raised about traffic and crime, MR. FIELD stated that the clientele would be parents bringing their 10 to 12 year old children to practice their hitting. The environment of the building facilitates training for serious athletes.

COMMISSIONER McSWAIN stated she did not have a problem with the proposed development for this lot but would not be supportive of rezoning to C-1. She stated a text amendment would allow this use in Neighborhood Services. As an example, Health Clubs are a conditional use under Neighborhood Services and a driving range is allowed under Neighborhood Services with a Special Use Permit. She was not sure about how the Commission could integrate that text amendment suggestion with the portion of the lot that would accommodate the office building.

VICE CHAIRMAN NIGRO asked staff if there was any way to allow this use in Office (O). MR. FAGG replied that currently, batting cages are not permitted in the Office (O) district. There is no Special Use Permit or Use Variance that would allow it. The rezoning to C-1 is necessary to allow the batting cages, which are defined as commercial amusements under the Code of Ordinances. VICE CHAIRMAN NIGRO then questioned whether there was some way to link the (C-1) to this particular use so if the use discontinues, the (C-1) would revert back to (O). MR. FAGG indicated there was no way to facilitate that.



PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 39 – GPA-5182

**MINUTES – Continued:**

MR. LASPALUTO asked staff if the definition of batting cages referred to an outdoor facility. He felt some of the uses in the Special Use such as bowling alleys are noisier than the batting cage would be. He also pointed out that this facility would not have the attributes of traditional batting cages such as high fences and bright lights. MR. FAGG explained the Code defined the uses as indoor and outdoor and restricted them to C-1 and not Office (O).

COMMISSIONER McSWAIN asked if any of the Commissioners had considered her text amendment suggestion. CHAIRMAN TRUESDELL replied that changing the General Plan Amendment would undo the actions that required significant time from the Commission, staff and the residents to create the appropriate General Plan for the area. COMMISSIONER McSWAIN reminded him of a mini-storage application that was sent back until a text amendment allowed the use as Neighborhood Services, and then the application came back with that zoning. CHAIRMAN TRUESDELL stated his problem was with the General Plan Amendment being with the application. VICE CHAIRMAN NIGRO asked if any members were interested in creating a text amendment.

COMMISSIONER McSWAIN indicated she was prepared to vote for denial of the General Plan Amendment; however, she was trying to find options that were available to the applicant. If the Commission was not willing to put forward a request for a text amendment, the applicant would not have any options. CHAIRMAN TRUESDELL stated the responsibility would fall on the applicant to come up with a text amendment alternative for the use. He suggested that perhaps the item could be tabled and reminded everyone that if GPA-5182 was denied, the other applications would have to be denied as well. MR. FAGG pointed out that the General Plan designation on both parcels is Office (O), and trying to find a text amendment that would allow that type of use in that type of designation would be problematic. COMMISSIONER McSWAIN stated that her idea regarding the text amendment was based on a very similar situation with a mini-storage facility. MR. FAGG replied that he did not feel it would be appropriate but would, of course, take direction from the Commission and review the options.

COMMISSIONER EVANS stated he was reluctant to change City Code for the benefit of one application. When the Commission was considering the text amendment regarding the mini-storage facility, the situation was a more broad based decision.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 39 [GPA-5182], Item 40 [ZON-5183] and Item 41 [SDR-5184].

(10:38 – 11:07)

**3-3067**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**ZON-5183 - REZONING RELATED TO GPA-5182 - PUBLIC HEARING -  
APPLICANT/OWNER: INFIELD DEVELOPMENT II, LLC AND JOHN D. FIELD -  
Request for a Rezoning FROM: O (OFFICE) TO: C-1 (LIMITED COMMERCIAL) on 2.49  
acres adjacent to the southwest corner of Alexander Road and Leon Avenue (APN 138-12-110-  
021 and 022), Ward 6 (Mack).**

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – DENIED – UNANIMOUS**

**To be heard by City Council 11/17/2004**

**MINUTES:**

See Item 39 [GPA-5182] for related discussion for Item 39 [GPA-5182], Item 40 [ZON-5183] and Item 41 [SDR-5184].

(10:38 – 11:07)

**3-3067**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SDR-5184 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-5182 AND ZON-5183 - PUBLIC HEARING - APPLICANT/OWNER: INFIELD DEVELOPMENT II, LLC AND JOHN D. FIELD** - Request for a Site Development Plan Review FOR A 14,000 SQUARE FOOT OFFICE BUILDING AND A 17,250 SQUARE FOOT COMMERCIAL BUILDING AND A WAIVER OF THE COMMERCIAL DEVELOPMENT STANDARDS TO ALLOW A 10 FOOT REAR SETBACK WHERE 20 FEET IS REQUIRED on 2.49 acres adjacent to the southwest corner of Alexander Road and Leon Avenue (APN 138-12-110-021 and 022), O (Office) Zone [PROPOSED: C-1 (Limited Commercial)], Ward 6 (Mack).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – DENIED – UNANIMOUS**

**To be heard by City Council 11/17/2004**

**MINUTES:**

See Item 39 [GPA-5182] for related discussion for Item 39 [GPA-5182], Item 40 [ZON-5183] and Item 41 [SDR-5184].

(10:38 – 11:07)

**3-3067**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**GPA-5194 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: MARIA TORRES AND JOSE TORRES** - Request to amend a portion of the Southwest Sector Plan of the General Plan FROM: R (RURAL DENSITY RESIDENTIAL) TO: L (LOW DENSITY RESIDENTIAL) on 0.46 acres at 2665 North Jones Boulevard (APN 138-14-704-015), Ward 5 (Weekly).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report
4. Submitted at Meeting – Petition (Opposition) with two signatures from Arlon Sibert

**MOTION:**

**GOYNES – DENIED – UNANIMOUS**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, explained the application intends to place a Low Density designation on a site that is .468 acres and then to divide the property into two residential lots approximately 9,000 square feet each. This would fit within the density range that Low allows; however, staff feels the proposed designation would not be compatible with the Rural Density General Plan Designations surrounding the property on the south, east and west of the site. MR. LEOBOLD indicated the applicant did attempt to have a neighborhood meeting on September 30<sup>th</sup>, which was unsuccessful due to a traffic accident. That meeting was rescheduled to October 12<sup>th</sup>. Eight neighbors attended and all opposed the project.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 42 – GPA-5194

**MINUTES – Continued:**

The neighbors felt it did not fit with the character of the neighborhood. They also voiced concerns over the fact that the applicant was not present for that meeting.

OCTAVIO HERNANDEZ and ALFREDO TORRES, 5704 Shawnee Avenue, appeared on behalf of the applicant. MR. HERNANDEZ explained the applicant felt the request for R-1 is justified because the property across the street is zoned R-1. The intent is to construct two single-family homes on the property after splitting it into two parcels. He acknowledged the neighbors had concerns regarding privacy and stated it would not be an issue because each parcel would be almost 10,000 square feet and have large setbacks. At the neighborhood meeting, neighbors also expressed concerns regarding the possibility of the property being converted to Commercial. MR. HERNANDEZ assured the Commission that this would not be the case. He explained the homes are not being constructed for resale but for family members to live in. The homes would be well built and of good size. Finally, MR. HERNANDEZ stated that the entrance for both homes would be on Madre Mesa Drive so there would not be any traffic problems. He concurred with all conditions and asked the Commission to approve his application.

ARLON SIBERT, 5980 West Alfred Drive, spoke in opposition of the Zone change. He indicated that on October 19<sup>th</sup>, he delivered five pages of protests and he submitted to the City Clerk two more opposition letters. MR. SIBERT pointed out that the area within the notification circle is primarily Rural zoning and dividing the property into two parcels would not be compatible with the rural character. He suggested that since MR. TORRES owns the property to the south of the subject site, he should not have to divide the smaller parcel to build two homes.

ARTHUR COURY, 6130 Bronco Loco Court, respectfully opposed this project. He appreciated the fact that the Torres family wants to be together but felt that the separation of the half-acre lot would set a precedent in the area. MR. COURY stated that he and his wife specifically searched for a home on a half-acre lot because they felt the chances of the homes becoming rentals would be lessened. They lived in their previous neighborhood since 1988 and attributed the deterioration to many of the properties becoming rentals. He moved to a half-acre lot to find peace and tranquility within his neighborhood. If this item gets approved, he worries neighbors next to him would be able to take their half-acre lot and split it into two. Eventually, this neighborhood could turn into exactly the neighborhood he moved away from. He felt everyone in the neighborhood should have to work within the confines of the lots as purchased.

JOHN HUNT, 5948 Madre Mesa Drive, explained he lives within 150 feet of this lot. He stated the property across the street was rezoned to a higher density approximately one year ago. Construction on that site should have commenced by now and has not. MR. HUNT went to the meeting to oppose that zone change and now, MR. TORRES is using that rezoning as a justification for his property being rezoned. MR. HUNT questioned where the line would be

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 42 – GPA-5194

**MINUTES – Continued:**

drawn to stop this. He opposed the application and requested that the Commission deny the item.

MR. TORRES apologized to the neighbors who were unhappy. He indicated that one of the main reasons he is proposing homes at 2,000 square feet is so that enough land is left to provide adequate setbacks. There will be 50 feet on the front and 40 feet on the back for setbacks. Regarding the comments of MR. HUNT, MR. TORRES indicated they would not wait to construct, it would be started immediately when possible. The proposed construction schedule would have the homes completed within seven months and they would enhance the neighborhood.

COMMISSIONER McSWAIN clarified for the applicant that his request, if granted, would make his property very different from the other lots. Approving the application would set a precedent for other neighbors to request downsizing their lots. Because of this, she would not be able to support the item regardless of intent or quality assurances offered by MR. TORRES. She recommended that to keep the family together, perhaps he would consider building a home with a casita.

COMMISSIONER GOYNES concurred with COMMISSIONER McSWAIN'S comments that it would set a bad precedent in the neighborhood. He felt leaving the zoning R (Rural Density Residential) would be the best option for the Commission.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(11:07-11:22)

**4-608**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**GPA-5195 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: MIKE MULLIN - OWNER: WESTCARE WORKS, INC.** - Request to amend a portion of the Centennial Hills Interlocal Land Use Plan of the General Plan FROM: DR (DESERT RURAL DENSITY RESIDENTIAL) TO: MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL) on 5.21 acres at 5659 Duncan Drive (APN 138-12-110-048), Ward 6 (Mack).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report

**MOTION:**

**NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 3 [TMP-5188], Item 29 [GPA-5266], Item 43 [GPA-5195], Item 50 [MOD-5212], Item 51 [VAR-5214], Item 52 [SDR-5213] and Item 75 [SDR-5179] to 11/18/2004 Planning Commission meeting; Item 25 [VAC-5030] to 12/16/2004 Planning Commission meeting; WITHDRAW WITHOUT PREJUDICE Item 44 [GPA-5200] and Item 57 [VAR-5178]; and TABLE Item 47 [GPA-5207], Item 48 [SUP-5210] and Item 49 [SSR-5209] – UNANIMOUS**

NOTE: Chairman Truesdell made a disclosure relating to Item 29 [GPA-5266], as he has an interest in the adjacent property. He would be voting on the abeyance but would abstain once the item comes forward. In addition, on Item 44 [GPA-5200], he would be voting on the abeyance but is uncertain if he would vote on the item once it comes forward, as he has been involved with the group that purchased the property and have abstained on this item in the past.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 43 – GPA-5195

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05-6:20)

**1-90**



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**GPA-5200 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: TRIPLE FIVE DEVELOPMENT NEVADA - OWNER: GREAT MALL OF LAS VEGAS, LLC** - Request to Amend a portion of the Town Center Land Use Plan of the Centennial Hills Sector Plan of the General Plan FROM: MS-TC (MAIN STREET MIXED USE – TOWN CENTER) TO: GC-TC (GENERAL COMMERCIAL - TOWN CENTER) on 55.74 acres adjacent to the northeast corner of Deer Springs Way and Riley Street (APN 125-20-602-001, 002, 003, 004; 125-20-601-002, 003; 125-20-603-001, 002, 003, 004; and 125-21-201-001), Ward 6 (Mack).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends this item be WITHDRAWN WITHOUT PREJUDICE.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 3 [TMP-5188], Item 29 [GPA-5266], Item 43 [GPA-5195], Item 50 [MOD-5212], Item 51 [VAR-5214], Item 52 [SDR-5213] and Item 75 [SDR-5179] to 11/18/2004 Planning Commission meeting; Item 25 [VAC-5030] to 12/16/2004 Planning Commission meeting; WITHDRAW WITHOUT PREJUDICE Item 44 [GPA-5200] and Item 57 [VAR-5178]; and TABLE Item 47 [GPA-5207], Item 48 [SUP-5210] and Item 49 [SSR-5209] – UNANIMOUS**

NOTE: Chairman Truesdell made a disclosure relating to Item 29 [GPA-5266], as he has an interest in the adjacent property. He would be voting on the abeyance but would abstain once the item comes forward. In addition, on Item 44 [GPA-5200], he would be voting on the abeyance but is uncertain if he would vote on the item once it comes forward, as he has been involved with the group that purchased the property and have abstained on this item in the past.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 44 – GPA-5200

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05-6:20)

**1-90**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**GPA-5205 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: SANSONE DEVELOPMENT - OWNER: BUREAU OF LAND MANAGEMENT - Request to Amend a portion of the Southwest Sector Plan of the General Plan FROM: PF (PUBLIC FACILITIES) TO: SC (SERVICE COMMERCIAL) on 4.18 acres adjacent to the southwest corner of Lake Mead Boulevard and Rock Springs Drive (APN 138-22-701-005), Ward 4 (Brown).**

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report

**MOTION:**

**EVANS – APPROVED – UNANIMOUS**

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 45 [GPA-5205] and Item 46 [ZON-5206].

GARY LEOBOLD, Planning and Development Department, explained that regarding the General Plan Amendment, the application would change the designation from PF (Public Facilities) to SC (Service Commercial) to accommodate an infill development with existing commercial uses to the north, west and east. There would be minimal impact on the uses to the south, which is a reserved site for a potential school. Staff felt the request is appropriate considering the context of the area along Lake Mead Boulevard. A neighborhood meeting was held on September 12th; however, no neighbors attended.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 45 – GPA-5205

**MINUTES – Continued:**

Regarding the zoning request, this would rezone the area to C-1 (Limited Commercial). There is existing C-1 zoning in the immediate area to the west, across Lake Mead Boulevard to the south and across Rock Springs Drive to the east. The rezoning would have minimal impact in the area.

JAMES GRINDSTAFF, Frontline Group, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and agreed with all conditions.

COMMISSIONER STEINMAN indicated that he was willing to support the item at this point; however, when the project was ready for submittal of the Site Development Plan, he suggested the applicant consider the addition of an extra turn lane because the intersection is so congested. MR. GRINDSTAFF assured him that the applicant is proactive and has already made contact with Public Works and discussions regarding that concept have started.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 45 [GPA-5205] and Item 46 [ZON-5206].

(11:22-11:27)

**4-1160**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**ZON-5206 - REZONING RELATED TO GPA-5205 - PUBLIC HEARING - APPLICANT: SANSONE DEVELOPMENT - OWNER: BUREAU OF LAND MANAGEMENT -** Request for a Rezoning FROM: U (UNDEVELOPED) [PF (PUBLIC FACILITIES) GENERAL PLAN DESIGNATION] TO: C-1 (LIMITED COMMERCIAL) on 4.18 acres adjacent to the southwest corner of Lake Mead Boulevard and Rock Springs Drive (APN 138-22-701-005), Ward 4 (Brown).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**EVANS – APPROVED – UNANIMOUS**

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

See Item 45 [GPA-5205] for all related discussion on Item 45 [GPA-5205] and Item 46 [ZON-5206].

(11:22-11:27)

**4-1160**

**CONDITIONS:**

Planning and Development

1. A General Plan Amendment (GPA-5205) to an SC (Service Commercial) land use designation on a portion of the site approved by the City Council.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 46 – ZON-5206

**CONDITIONS – Continued:**

2. A Resolution of Intent with a two-year time limit.
3. A Site Development Plan Review shall be approved by the Planning Commission or City Council prior to the issuance of permits.

Public Works

4. Dedicate 60 feet of right-of-way for Rock Springs Drive and minimum 25-foot radii at the southeast and southwest corners of Rock Springs Drive and Lake Mead Boulevard adjacent to this site for Rock Springs Drive prior to the issuance of any permits.
5. Grant traffic signal chord easements at the southeast and southwest corners of Rock Springs Drive and Lake Mead Boulevard as required by the City Traffic Engineer.
6. Construct all incomplete street improvements on Rock Springs Drive and any incomplete half-street improvements on Lake Mead Boulevard. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with development of this site.
7. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
8. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**GPA-5207 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: JAWA STUDIO - OWNER: TOWN CENTER CROSSINGS, LLC** - Request to Amend a portion of the Town Center Land Use Plan of the Centennial Hills Sector Plan of the General Plan FROM: SC-TC (SERVICE COMMERCIAL – TOWN CENTER) TO: GC-TC (GENERAL COMMERCIAL – TOWN CENTER) on 3.88 acres adjacent to the northwest corner of Centennial Parkway and Juliano Avenue Road (APN 125-20-801-002), Ward 6 (Mack).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report

**MOTION:**

**NIGRO** – Motion to bring forward and **HOLD IN ABEYANCE** Item 3 [TMP-5188], Item 29 [GPA-5266], Item 43 [GPA-5195], Item 50 [MOD-5212], Item 51 [VAR-5214], Item 52 [SDR-5213] and Item 75 [SDR-5179] to 11/18/2004 Planning Commission meeting; Item 25 [VAC-5030] to 12/16/2004 Planning Commission meeting; **WITHDRAW WITHOUT PREJUDICE** Item 44 [GPA-5200] and Item 57 [VAR-5178]; and **TABLE** Item 47 [GPA-5207], Item 48 [SUP-5210] and Item 49 [SSR-5209] – **UNANIMOUS**

NOTE: Chairman Truesdell made a disclosure relating to Item 29 [GPA-5266], as he has an interest in the adjacent property. He would be voting on the abeyance but would abstain once the item comes forward. In addition, on Item 44 [GPA-5200], he would be voting on the abeyance but is uncertain if he would vote on the item once it comes forward, as he has been involved with the group that purchased the property and have abstained on this item in the past.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 47 – GPA-5207

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05-6:20)

**1-90**



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SUP-5210 - SPECIAL USE PERMIT RELATED TO GPA-5207 AND SDR-5209 - PUBLIC HEARING - APPLICANT: JAWA STUDIO - OWNER: TOWN CENTER CROSSINGS, LLC** - Request for a Special Use Permit FOR A TAVERN on 3.88 acres adjacent to the northwest corner of Centennial Parkway and Julian Avenue Road (APN 125-20-801-002), T-C (Town Center) Zone, Ward 6 (Mack).

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 3 [TMP-5188], Item 29 [GPA-5266], Item 43 [GPA-5195], Item 50 [MOD-5212], Item 51 [VAR-5214], Item 52 [SDR-5213] and Item 75 [SDR-5179] to 11/18/2004 Planning Commission meeting; Item 25 [VAC-5030] to 12/16/2004 Planning Commission meeting; WITHDRAW WITHOUT PREJUDICE Item 44 [GPA-5200] and Item 57 [VAR-5178]; and TABLE Item 47 [GPA-5207], Item 48 [SUP-5210] and Item 49 [SSR-5209] – UNANIMOUS**

NOTE: Chairman Truesdell made a disclosure relating to Item 29 [GPA-5266], as he has an interest in the adjacent property. He would be voting on the abeyance but would abstain once the item comes forward. In addition, on Item 44 [GPA-5200], he would be voting on the abeyance but is uncertain if he would vote on the item once it comes forward, as he has been involved with the group that purchased the property and have abstained on this item in the past.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 48 – SUP-5210

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05-6:20)

**1-90**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** ROBERT S. GENZER

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SDR-5209 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-5207 AND SUP-5210 - PUBLIC HEARING - APPLICANT: JAWA STUDIO - OWNER: TOWN CENTER CROSSINGS, LLC** - Request for a Site Development Plan Review FOR A PROPOSED 6,000 SQUARE FOOT TAVERN on 3.88 acres adjacent to the northwest corner of Centennial Parkway and Julian Avenue Road (APN 125-20-801-002), T-C (Town Center) Zone, Ward 6 (Mack).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO** – Motion to bring forward and **HOLD IN ABEYANCE** Item 3 [TMP-5188], Item 29 [GPA-5266], Item 43 [GPA-5195], Item 50 [MOD-5212], Item 51 [VAR-5214], Item 52 [SDR-5213] and Item 75 [SDR-5179] to 11/18/2004 Planning Commission meeting; Item 25 [VAC-5030] to 12/16/2004 Planning Commission meeting; **WITHDRAW WITHOUT PREJUDICE** Item 44 [GPA-5200] and Item 57 [VAR-5178]; and **TABLE** Item 47 [GPA-5207], Item 48 [SUP-5210] and Item 49 [SSR-5209] – **UNANIMOUS**

NOTE: Chairman Truesdell made a disclosure relating to Item 29 [GPA-5266], as he has an interest in the adjacent property. He would be voting on the abeyance but would abstain once the item comes forward. In addition, on Item 44 [GPA-5200], he would be voting on the abeyance but is uncertain if he would vote on the item once it comes forward, as he has been involved with the group that purchased the property and have abstained on this item in the past.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 49 – SDR-5209

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05-6:20)

**1-90**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**MOD-5212 - MAJOR MODIFICATION TO THE LAS VEGAS MEDICAL DISTRICT PLAN - PUBLIC HEARING - APPLICANT: TOWER REALTY AND DEVELOPMENT - OWNER: VALLEY GROUP CONSTRUCTORS** - Request for a Major Modification to the Las Vegas Medical District Plan FROM: MD-2 (MAJOR MEDICAL) TO: MD-1 (MEDICAL SUPPORT) at 701 Shadow Lane (APN 139-33-402-001), PD (Planned Development) Zone, Ward 5 (Weekly).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends this item be HELD IN ABEYANCE to the November 18, 2004 Planning Commission meeting.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO** – Motion to bring forward and HOLD IN ABEYANCE Item 3 [TMP-5188], Item 29 [GPA-5266], Item 43 [GPA-5195], Item 50 [MOD-5212], Item 51 [VAR-5214], Item 52 [SDR-5213] and Item 75 [SDR-5179] to 11/18/2004 Planning Commission meeting; Item 25 [VAC-5030] to 12/16/2004 Planning Commission meeting; WITHDRAW WITHOUT PREJUDICE Item 44 [GPA-5200] and Item 57 [VAR-5178]; and TABLE Item 47 [GPA-5207], Item 48 [SUP-5210] and Item 49 [SSR-5209] – UNANIMOUS

NOTE: Chairman Truesdell made a disclosure relating to Item 29 [GPA-5266], as he has an interest in the adjacent property. He would be voting on the abeyance but would abstain once the item comes forward. In addition, on Item 44 [GPA-5200], he would be voting on the abeyance but is uncertain if he would vote on the item once it comes forward, as he has been involved with the group that purchased the property and have abstained on this item in the past.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 50 – MOD-5212

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05-6:20)

**1-90**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**VAR-5214 - VARIANCE RELATED TO MOD-5212 AND SDR-5213 - PUBLIC HEARING - APPLICANT: TOWER REALTY AND DEVELOPMENT - OWNER: VALLEY GROUP CONSTRUCTORS** - Request for a Variance TO ALLOW 148 PARKING SPACES WHERE 177 PARKING SPACES ARE REQUIRED FOR A OFFICE DEVELOPMENT on 1.69 acres at 701 Shadow Lane (APN 139-33-402-001), PD (Planned Development) Zone, Ward 5 (Weekly).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends this item be HELD IN ABEYANCE to the November 18, 2004 Planning Commission meeting.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 3 [TMP-5188], Item 29 [GPA-5266], Item 43 [GPA-5195], Item 50 [MOD-5212], Item 51 [VAR-5214], Item 52 [SDR-5213] and Item 75 [SDR-5179] to 11/18/2004 Planning Commission meeting; Item 25 [VAC-5030] to 12/16/2004 Planning Commission meeting; WITHDRAW WITHOUT PREJUDICE Item 44 [GPA-5200] and Item 57 [VAR-5178]; and TABLE Item 47 [GPA-5207], Item 48 [SUP-5210] and Item 49 [SSR-5209] – UNANIMOUS**

NOTE: Chairman Truesdell made a disclosure relating to Item 29 [GPA-5266], as he has an interest in the adjacent property. He would be voting on the abeyance but would abstain once the item comes forward. In addition, on Item 44 [GPA-5200], he would be voting on the abeyance but is uncertain if he would vote on the item once it comes forward, as he has been involved with the group that purchased the property and have abstained on this item in the past.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 51 – VAR-5214

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05-6:20)

**1-90**



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SDR-5213 - SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-5212 AND VAR-5214 - PUBLIC HEARING - APPLICANT: TOWER REALTY AND DEVELOPMENT – OWNER: VALLEY GROUP CONSTRUCTORS, INC. - Request for a Site Development Plan Review FOR A OFFICE DEVELOPMENT AND WAIVER OF BUILDING HEIGHT TO ALLOW 52 FEET 9 INCHES WHERE 45 FEET IS THE MAXIMUM HEIGHT ALLOWED on 1.69 acres at 701 Shadow Lane (APN 139-33-402-001), PD (Planned Development) Zone, Ward 5 (Weekly).**

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends this item be HELD IN ABEYANCE to the November 18, 2004 Planning Commission meeting.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 3 [TMP-5188], Item 29 [GPA-5266], Item 43 [GPA-5195], Item 50 [MOD-5212], Item 51 [VAR-5214], Item 52 [SDR-5213] and Item 75 [SDR-5179] to 11/18/2004 Planning Commission meeting; Item 25 [VAC-5030] to 12/16/2004 Planning Commission meeting; WITHDRAW WITHOUT PREJUDICE Item 44 [GPA-5200] and Item 57 [VAR-5178]; and TABLE Item 47 [GPA-5207], Item 48 [SUP-5210] and Item 49 [SSR-5209] – UNANIMOUS**

NOTE: Chairman Truesdell made a disclosure relating to Item 29 [GPA-5266], as he has an interest in the adjacent property. He would be voting on the abeyance but would abstain once the item comes forward. In addition, on Item 44 [GPA-5200], he would be voting on the abeyance but is uncertain if he would vote on the item once it comes forward, as he has been involved with the group that purchased the property and have abstained on this item in the past.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 52 – SDR-5213

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05-6:20)

**1-90**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**VAR-5202 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: KEVIN R. AND BARBARA SIPEs** - Request for a Variance TO ALLOW A 2.94 ACRE DEVELOPMENT WHERE 5 ACRES IS REQUIRED FOR A RESIDENTIAL PLANNED DEVELOPMENT on 2.94 acres adjacent to the west side of Decatur Boulevard, approximately 100 feet south of Gilmore Avenue (APN 138-12-601-005), R-E (Residence Estates) Zone [PROPOSED: R-PD2 (Residential Planned Development – 2 Units Per Acre)], Ward 6 (Mack).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – APPROVED subject to conditions – UNANIMOUS**

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 53 [VAR-5202], Item 54 [ZON-5203] and Item 55 [SDR-5204].

GARY LEOBOLD, Planning and Development Department, explained that the Variance would allow the use of Residential Planned Development (RPD) on a site smaller than five acres. The lot is very narrow and the design options are limited for conventional zoning. In this case, the RPD zoning would give the applicant the necessary flexibility to create an efficient design that could act as a transition to the adjacent parcels. Regarding the zoning request, R-PD2 (Residential Planned Development – 2 units per acre) in this area is a conforming zone and density to the Desert Rural (DR) land use designation that applies to the site.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 53 – VAR-5202

**MINUTES – Continued:**

Staff felt that the zoning is harmonious with the DR area to the south and low density R-1 zone to the north and recommended approval. The density as proposed for the lots is 2.38 units per acre, which falls within the RPD-2 range. The seven lots will share a 40-foot wide private street that has access to Decatur Boulevard. The setbacks are appropriate and the layout is efficient.

LANDON CHRISTOPHERSON, 1000 North Green Valley Parkway, appeared on behalf of the applicant and concurred with all conditions.

DAN MARKOFF, 4816 Martinelli Court, stated that he owns property to the immediate south of this proposed development and has lived there since 1986. He noted that during the course of the meeting, the items with the most opposition seemed to be in neighborhoods where the neighborhoods were open and expanded and the proposed development would constrict that feeling of freedom. When MR. MARKOFF purchased his property, there was no other development in the area except for the homes on Martinelli Court. He has since watched the area be completely surrounded by development. The majority of parcels are Residence Estates (RE) on half-acre developments. The last lot that is left of any size is the subject lot of this application and approval will clutter the area. He approved of homes being built on this lot; however, he only offered that approval if the homes were built in conformity with the remainder of the area at one home per half acre. He was also concerned about streetlights illuminating the backyards of the existing homes. He hoped the developer was considering using lampposts to remain consistent with the neighborhood. Additionally, he asked that a landscaping buffer be placed between MR. MARKOFF'S wall and the street of the proposed development.

KEN BACHMAN, 105 Honey Locust Drive, explained he owned the property to the west of the subject site. On the other side of Gilmore Avenue, a development went in and the neighbors had been under the impression the homes would be single story. He asked if the homes proposed on this application were designated as single story. MR. BACHMAN hoped they would not be two story homes, as they would look down into everyone's backyard. He said that the previous proposal for the property was for a church but the neighbors banded together and that idea was squashed. At that time, the property was listed as 2.77 acres. On this application, it is listed as 2.94 acres. MR. BACHMAN could not determine how the land was expanded between applications.

FRANK BOLSHAZY, 4809 West Gilmore Avenue, stated he had the same concerns as MR. BACHMAN. He asked if the homes would be two story and if they would turn into residential facilities. He was unhappy that the neighbors were not involved in the process. The neighbors were not informed about the proposed project, and the developer has not met with the neighbors nearby.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 53 – VAR-5202

**MINUTES – Continued:**

MR. LEOBOLD interjected that information in the staff report indicates the elevations are all single story homes. Also, Condition 10 of Item 55 [SDR-5204] requires the applicant to provide specific details related to the range of public improvements, which would include street lighting etc. prior to the Tentative Map.

MR. CHRISTOPHERSON stated a notification was done and a neighborhood meeting was held, but no one attended the meeting. At that meeting, the neighbors could have seen the plan and asked questions about it. The developer is not developing a two-story product and that is what the elevations represented. The buffering will provide a five-foot buffer along the adjacent neighbors' properties to the street and the applicant intends to work with staff regarding the requirements of the improvements within the cul-de-sac.

COMMISSIONER McSWAIN acknowledged the concerns of the neighbors and indicated they must remember this is an infill piece of land. This design provides the least amount of impact to the property owners. She felt additional trees could provide a screening affect. MR. CHRISTOPHERSON suggested Shoestring Acacia trees could fit in the five-foot strip. COMMISSIONER McSWAIN felt the developer did not have many options with this property because of access availability, so she would be supportive of the proposed project.

COMMISSIONER DAVENPORT agreed with COMMISSIONER McSWAIN. He noted that the developer addressed some of the voiced concerns, such as the single story requirement and adding trees along the street, but had made no mention regarding the streetlights. He asked the applicant what the intent was regarding lighting. MR. CHRISTOPHERSON stated the developer would have to work with City staff in meeting the requirements for a private street. COMMISSIONER DAVENPORT stated that on previous applications, if the area was rural in nature, the Commission allowed the development to be approved without lights. DAVID GUERRA, Public Works Department, stated that he had a conversation with the applicant regarding the status of the street being public or private. The applicant had indicated the street would be private because the sidewalk requirement could not be accommodated. When a street is designated private, the decision to install or not install streetlights is left up to the developer. Public Works will not impose any conditions related to streetlights on a private street. MR. CHRISTOPHERSON stated the applicant would be fine with the development not having streetlights. With that, COMMISSIONER DAVENPORT felt all the concerns of the speakers had been met.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 53 – VAR-5202

**MINUTES – Continued:**

COMMISSIONER STEINMAN confirmed with MR. GUERRA that there are no requirements to have developers provide streetlight wiring or stub outs on private streets. COMMISSIONER STEINMAN then confirmed with MR. CHRISTOPHERSON that the developer would be able to build a 2,400 square foot home on Lot 5 without requesting any variances, even though it would be tight.

COMMISSIONER EVANS was under the impression that private streets still had to be stubbed out. He felt that it was fine for the developer to grant the wishes of the rural community and not install traditional streetlights; however, in the future, the character of the neighborhood could change and neighbors could complain it was too dark and streetlights were needed. He suggested the Commission consider requesting the developer install the infrastructure at this time. MR. LEOBOLD indicated there have been situations in the past where public streets were placed within rural areas and street lighting was not required. In those instances, the City required the under grounding be completed and the developer was required to set aside funds or provide bonding for the remainder of the expense. There was no economic benefit to the developer to not install the lighting in that process. This situation differs because the street is private and therefore, the City has no requirements.

ROBERT. GENZER, Director, Planning and Development Department, suggested to COMMISSIONER McSWAIN that if the applicant agreed to adding a condition regarding the landscaping buffer, it would state the requirement as the installation of landscaping between the proposed private street and the south property line. Staff would then work with the applicant on what that landscaping would consist of. MR. CHRISTOPHERSON agreed to that condition as well as a restriction that the homes are limited to single story.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 53 [VAR-5202], Item 54 [ZON-5203] and Item 55 [SDR-5204].

(12:21-12:39)

**5-210**

**CONDITIONS:**

Planning and Development

1. Approval of and conformance to the Conditions of Approval for a Rezoning (ZON-5203) and Site Development Plan Review (SDR-5204) approved by the City Council.
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**ZON-5203 - REZONING RELATED TO VAR-5202 - PUBLIC HEARING - APPLICANT/OWNER: KEVIN R. AND BARBARA SIPES - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE) on 2.94 acres adjacent to the west side of Decatur Boulevard, approximately 100 feet south of Gilmore Avenue (APN 138-12-601-005), Ward 6 (Mack).**

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – APPROVED subject to conditions – UNANIMOUS**

**MINUTES:**

See Item 53 [VAR-5202] for all related discussion for Item 53 [VAR-5202], Item 54 [ZON-5203] and Item 55 [SDR-5204].

(12:21-12:39)

**5-210**

**CONDITIONS:**

Planning and Development

1. A Resolution of Intent with a two-year time limit.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 54 – ZON-5203

**CONDITIONS – Continued:**

2. Variance (VAR-5202) to allow a 2.94 acre R-PD development and Site Development Plan Review application (SDR-5204) for a seven lot single family subdivision approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

3. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
4. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
5. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SDR-5204 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-5202 AND ZON-5203 - PUBLIC HEARING - APPLICANT/OWNER: KEVIN R. AND BARBARA SIPIES** - Request for a Site Development Plan Review FOR A PROPOSED 7 LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 2.94 acres adjacent to the west side of Decatur Boulevard, approximately 100 feet south of Gilmore Avenue (APN 138-12-601-005), R-E (Residence Estates) Zone [PROPOSED: R-PD3 (Residential Planned Development - 3 Units Per Acre)], Ward 6 (Mack).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – APPROVED** subject to conditions and adding the following conditions:

- *All dwellings shall be limited to one story in height.*
- *The applicant shall provide a minimum of five feet of landscaping along the north side of the south perimeter wall, adjacent to and along the length of the private street.*

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

See Item 53 [VAR-5202] for all related discussion for Item 53 [VAR-5202], Item 54 [ZON-5203] and Item 55 [SDR-5204].

(12:21-12:39)

**5-210**

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 55 – SDR-5204

**CONDITIONS:**

Planning and Development

1. A Rezoning application (ZON-5203) to R-PD2 (Residential Planned Development – 2 Units Per Acre) and a Variance application (VAR-5202) approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity four the site.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. The setbacks for this development shall be 20 feet in the front, 30 feet in the rear, 10 feet on the side and 15 feet on the corner side. The building height shall not exceed two stories or 35 feet, whichever is less.
4. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

Public Works

5. Gated entries, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A.
6. A Homeowners Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
7. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
8. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-5203 and all other subsequent site-related actions.
9. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 55 – SDR-5204

**CONDITIONS – Continued:**

10. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**ZON-5176 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: NEVADA H.A.N.D., INC., ET AL - Request for a Rezoning FROM: R-3 (MEDIUM DENSITY RESIDENTIAL) TO: R-5 (APARTMENT) on 0.80 acres adjacent to the southwest corner of Stewart Avenue and 13th Street (APN 139-35-211-087, 088, 089, 090 and 091), Ward 5 (Weekly).**

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – APPROVED subject to conditions – UNANIMOUS with EVANS not voting**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 56 [ZON-5176] and Item 58 [SDR-5177].

FLINN FAGG, Planning and Development Department, explained the proposed rezoning would change the site to R-5 (Apartment) and staff finds that compatible with the adjacent C-2 Zoning to the west and a transition from the R-3 (Medium Density Residential) zoning to the east. Regarding the companion Site Development Plan Review application, the proposal has been revised since the original submittal and is now an age restricted, senior, apartment complex. Also, the number of units has been reduced from 60 units to 57. These two alterations result in a parking requirement change from 85 required spaces to 43 required spaces. There was a Variance for parking which is no longer necessary and that item has been withdrawn without prejudice. Staff requested the deletion of Condition 2 on Item 58 [SDR-5177] as it relates to the requirement of the variance that is no longer necessary.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 56 – ZON-5176

**MINUTES – Continued:**

BOB FEIBLEMAN, Nevada H.A.N.D., 295 East Warm Springs Road, appeared on behalf of the applicant and thanked staff for working with them on the difficult site. Since the hour was so late, he offered to answer any questions the Commissioners had. COMMISSIONER McSWAIN commented that the applicant does a nice service to the community. The projects are always put together well.

ROBERT GENZER, Director, Planning and Development Department, indicated the conditions should be amended on Item 58 [SDR-5177] to reflect the reduction to 57 units and that the development must conform to the definition of Senior Citizen Apartments per Title 19. MR. FAGG confirmed the current conditions do not address those issues. The applicant agreed to all the condition changes and additions.

In an unrelated discussion, COMMISSIONER DAVENPORT asked MR. FEIBLEMAN when Nevada H.A.N.D. would break ground on their Bonanza Road project. MR. FEIBLEMAN informed him the financing was being closed and they were still in the plan check process. He hoped they would begin the project in November. COMMISSIONER DAVENPORT was happy to hear that.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 56 [ZON-5176] and Item 58 [SDR-5177].

(12:21-12:39)

**5-210**

**CONDITIONS:**

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. A Site Development Plan Review (SDR-5177) and Variance (VAR-5178) application approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

3. Dedicate a 15-foot radius on the southwest corner of Stewart Avenue and Thirteenth Street prior to the issuance of any permits.
4. Construct all incomplete half-street improvements on 13<sup>th</sup> Street, Stewart Avenue, and the full width of the alley adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 56 – ZON-5176

**CONDITIONS – Continued:**

5. Landscape and maintain all unimproved rights-of-way on Stewart Avenue and 13<sup>th</sup> Street adjacent to this site.
6. Submit an Encroachment Agreement for all landscaping and private improvements located in the Stewart Avenue and 13<sup>th</sup> Street public rights-of-way adjacent to this site prior to occupancy of this site.
7. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**VAR-5178 - VARIANCE RELATED TO ZON-5176 AND SDR-5177 - PUBLIC HEARING - APPLICANT/OWNER: NEVADA H.A.N.D., INC., ET AL** - Request for a Variance to ALLOW 66 PARKING SPACES FOR A PROPOSED 5 STORY, 60 UNIT, MULTI-FAMILY DEVELOPMENT WHERE 85 SPACES ARE REQUIRED on 0.80 acres adjacent to the southwest corner of Stewart Avenue and 13th Street (APN 139-35-211-087, 088, 089, 090 and 091), R-3 (Medium Density Residential) Zone [PROPOSED: R-5 (Apartment)], Ward 5 (Weekly).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends this item be WITHDRAWN WITHOUT PREJUDICE.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 3 [TMP-5188], Item 29 [GPA-5266], Item 43 [GPA-5195], Item 50 [MOD-5212], Item 51 [VAR-5214], Item 52 [SDR-5213] and Item 75 [SDR-5179] to 11/18/2004 Planning Commission meeting; Item 25 [VAC-5030] to 12/16/2004 Planning Commission meeting; WITHDRAW WITHOUT PREJUDICE Item 44 [GPA-5200] and Item 57 [VAR-5178]; and TABLE Item 47 [GPA-5207], Item 48 [SUP-5210] and Item 49 [SSR-5209] – UNANIMOUS**

NOTE: Chairman Truesdell made a disclosure relating to Item 29 [GPA-5266], as he has an interest in the adjacent property. He would be voting on the abeyance but would abstain once the item comes forward. In addition, on Item 44 [GPA-5200], he would be voting on the abeyance but is uncertain if he would vote on the item once it comes forward, as he has been involved with the group that purchased the property and have abstained on this item in the past.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 57 – VAR-5178

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05-6:20)

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**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SDR-5177 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-5176 AND VAR-5178 - PUBLIC HEARING - APPLICANT/OWNER: NEVADA H.A.N.D., INC., ET AL** - Request for a Site Development Plan Review FOR A PROPOSED 5 STORY, 60 UNIT, MULTI-FAMILY DEVELOPMENT on 0.80 acres adjacent to the southwest corner of Stewart Avenue and 13th Street (APN 135-35-211-087, 088, 089, 090 and 091), R-3 (Medium Density Residential) Zone [PROPOSED: R-5 (Apartment)], Ward 5 (Weekly).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – APPROVED** subject to conditions, deleting Condition 2 and adding the following conditions:

- *The development shall be limited to 57 units.*
- *The development shall conform to the definition of Senior Citizen Apartment as listed in Title 19.20.*

– UNANIMOUS with EVANS not voting

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

See Item 56 [ZON-5176] for all related discussion on Item 56 [ZON-5176] and Item 58 [SDR-5177].

(12:21-12:39)

**5-210**

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 58 – SDR-5177

**CONDITIONS:**

Planning and Development

1. A Rezoning (ZON-5176) to a R-5 Zoning District approved by the City Council.
2. A Variance (VAR-5178) approved by City Council in order to permit 66 parking spaces where 75 parking spaces are required.
3. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
4. All development shall be in conformance with the site plan and building elevations, date stamped October 18, 2004, except as amended by conditions herein.
5. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.
6. Turf shall be limited to 15% of the total landscape area. No turf shall be permitted in the non-recreational common areas.
7. A property line wall shall be constructed along the south property line in accordance with the requirements of Title 19.12. The property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall height shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
10. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 58 – SDR-5177

**CONDITIONS – Continued:**

11. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

12. Coordinate with the City Surveyor to determine whether a Merger and Re-subdivision Map or other map is necessary. Comply with the recommendations of the City Surveyor.
13. Driveways shall be designed, located and meet the intent of Standard Drawing #222A.
14. Site development to comply with all applicable conditions of approval for ZON-5176 and all other subsequent site-related actions.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**VAR-5142 - VARIANCE - PUBLIC HEARING - APPLICANT: PULTE HOMES - OWNER: PN II, INC. - Request for a Variance TO ALLOW A PROPOSED SINGLE FAMILY DETACHED DWELLING 4 FEET FROM THE SIDE PROPERTY LINE WHERE 5 FEET IS THE MINIMUM SIDE YARD SETBACK REQUIRED at 8908 Regatta Bay Place (APN 125-10-115-044), R-PD3 (Residential Planned Development - 3 Units Per Acre) Zone, Ward 6 (Mack).**

**P.C.: FINAL ACTION**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her company is in litigation with a sister company of Pulte Homes**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, stated the homes are single-family attached town homes, which are clustered in sets of three. The applicant is asking for a four-inch deviation for approximately five feet of the building's length along the side yard. The request would accommodate architectural detailing. Staff considered doing an administrative deviation to avoid the necessity of a variance; however, that action is limited to structures not exceeding 15 feet or one story in height and this request is for two story structures.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 59 – VAR-5142

**MINUTES – Continued:**

Regardless of the fact that it is a minor variance, it does not meet the NRS test for being a self imposed hardship and therefore, the recommendation must be for denial.

TERI LIVENGOD, Stantec Consulting, 7251 West Charleston Boulevard, appeared on behalf of the applicant and concurred with all conditions. She informed MR. LEOBOLD that the section of the building they were asking for the variance on is single story. The two end sections of the development are single story and it is the middle section that is two story.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(12:44-12:46)

**5-911**

**CONDITIONS:**

Planning and Development

1. Conformance to all applicable Conditions of Approval for the Site Development Plan Review Z-0075-91(13).
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**VAR-5160 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: RON RITTER AND PATRICIA M. RITTER** - Request for a Variance TO ALLOW A 6 FOOT HIGH BLOCK WALL IN THE FRONT YARD SETBACK WHERE 4 FEET (WITH THE TOP 2 FEET 50% OPEN) IS THE MAXIMUM HEIGHT ALLOWED on 0.18 acres at 8305 Iron Anvil Court (APN 138-09-223-025), R-PD7 (Residential Planned Development - 7 Units Per Acre) Zone, Ward 4 (Brown).

**P.C.: FINAL ACTION**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – APPROVED** subject to conditions and amending the following condition:

3. The block wall shall be placed a minimum of *four* feet from the sidewalk and otherwise constructed according to the site plan dated September 2, 2004 that was submitted with the application.

**UNANIMOUS**

NOTE: Commissioner Davenport disclosed that he knows Mr. Ritter because Mr. Ritter used to work for a wholesaler the Commissioner's firm worked with. Commission Davenport did not think his firm was working with Mr. Ritter's company any longer and as they have not spoken about the item and there was not a conflict, he would be comfortable voting on this item.

**This is Final Action**

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 60 – VAR-5160

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, explained that the purpose of the restriction on the height of the front yard walls is to avoid problems with sight visibility, to prevent side views from adjoining residences being impaired and to avoid a tunnel affect. The subject property on this application is located at the end of a cul-de-sac, the driveway has adequate room being 18 feet from the wall, the radius allows for the adjacent neighbors to have a clear view of the street and there is no possibility of a tunnel affect because the property is at the end of the cul-de-sac. Additionally, the applicant has agreed to move the wall back four feet and to provide exterior landscaping. Staff is recommending approval but is asking that the wall be moved five feet because large plant species may not work within a four-foot space.

RONATO RITTER, 8305 Iron Anvil Court, appeared and asked that the wall remain at a four-foot setback since the building permit was issued with that measurement. He noted that within the community, all the walls are built on the sidewalks.

JOHNNY KINDER, Secretary of the Cimmaron Valley Community Association, appeared on behalf of the community and stated that after review with the Architectural Review Committee, MR. RITTER'S proposal was approved.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(12:44-12:46)

**5-911**

**CONDITIONS:**

Planning and Development

1. This Variance shall expire two years from the date of approval.
2. Acquire all necessary permits from the Department of Building and Safety.
3. The block wall shall be placed a minimum of five feet from the sidewalk and otherwise constructed according to the site plan dated September 2, 2004 that was submitted with the application.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**VAR-5199 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: EDGAR MARTINEZ AND KARINA MARTINEZ** - Request for a Variance TO ALLOW A THREE FOOT SIDE YARD SETBACK WHERE FIVE FEET IS REQUIRED, A 2.33 FOOT MINIMUM DISTANCE SEPARATION BETWEEN A DETACHED ACCESSORY STRUCTURE AND REAR AND SIDE PROPERTY LINES WHERE THREE FEET IS REQUIRED, AND A ONE FOOT SEPARATION BETWEEN AN EXISTING DETACHED ACCESSORY STRUCTURE AND MAIN DWELLING WHERE SIX FEET IS REQUIRED on 0.13 acres at 5517 Flower Circle (APN 138-36-313-019), R-1 (Single Family Residential) Zone, Ward 1 (Moncrief).

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at Meeting – Eight Letters of Support Submitted by Joe Gaudio

**MOTION:**

**GOYNES – ABEYANCE TO 11/18/2004 – UNANIMOUS**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, informed the Commission that in July, a site inspection revealed signs of construction activity at a vacant house and a rear yard building that was visible from the front of the home. The rear yard building was fitted with plumbing and at one time, had been used as a very small apartment.



PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 61 – VAR-5199

**MINUTES – Continued:**

Scattered construction debris was visible from the street and Code Enforcement issued a permit request and correction notice. The property owner was sent a Notice and Order to Abate a Dangerous Building and the notice was posted at the property. The existing backyard accessory structure had been built to within three feet of the rear and side property lines and within one foot of the main structure where six feet is required. A Variance for the structure is unjustifiable because of the setback violations, as well as, building proximity standards and fire safety standards.

MR. LEOBOLD also pointed out that an addition was constructed to create a kitchen and that extension is within three feet of the side property line. A Variance for that structure cannot be justified because the addition violates the side yard setback standards and fire safety standards. There is no evidence of unique or extraordinary circumstances and the hardship is self-imposed by the applicant purchasing a home with multiple setback violations.

JOE GAUDIO, 901 Staffordshire Circle, #A, appeared on behalf of the applicant, MR. MARTINEZ, who does not speak English. MR. GAUDILLO explained that MR. MARTINEZ had a dream of buying a home. He went to see a real estate agent who convinced the couple to buy a HUD home. MR. MARTINEZ did not know what that meant. The realtor convinced him to invest \$50,000 on a bid to purchase a home that was worth \$111,000. When MR. GAUDILLO confronted her about this procedure, she told him to get a lawyer. MR. GAUDILLO spoke with several lawyers who said there are individuals in town who basically cheat people who do not understand English or real estate. With all of the problems that he has encountered, MR. MARTINEZ is still accepting the situation and wants to fix it. MR. MARTINEZ invested an additional \$12,000 over the price of the house for the realtor and she took advantage of his trust.

After the inspection, MR. MARTINEZ was instructed as to what corrections must be made but he is unable to pay for the work. All of his money was invested in the home. He asked the Commission to change laws to help foreigners who come to Las Vegas.

COMMISSIONER McSWAIN confirmed with MR. GAUDIO that MR. MARTINEZ is the owner of the property. She asked for clarification of how the purchase of the property led to the problems being discussed currently. MR. GAUDIO explained that nine years ago, there was a different property owner and he was the person who made the additions, which existed when MR. MARTINEZ purchased the home. She asked if the house was purchased with financing or on a cash only basis. MR. GAUDIO said he financed the home and paid \$12,000 over the price. The home was \$111,000 and he bid \$50,000 over that plus the \$12,000 for the realtor. COMMISSIONER McSWAIN indicated that to finance the home, there should have been an appraisal by the lender. Part of that process is verifying that the home is built to Code and is worth the value. MR. GAUDIO stated there was no inspection or nothing similar had been done.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 61 – VAR-5199

**MINUTES – Continued:**

MR. GAUDIO informed her that after speaking with five attorneys, he was told this happens often.

COMMISSIONER McSWAIN said that was unfortunate but not something the Commission could address. CHAIRMAN TRUESDELL interjected that the Board must deal with the land use issue.

COMMISSIONER McSWAIN confirmed with MR. LEOBOLD that the structure does not meet Building Code because they do not meet a one-hour fire rating and they are only stucco and frame additions. It would take concrete and block to meet that rating.

MR. GAUDIO explained that MR. MARTINEZ accepts the mistake he made in buying the home and he will invest additional monies to bring the home up to Code; however, he would need at least 120 days to take care of everything. CHAIRMAN TRUESDELL confirmed they are living in the home at this time. COMMISSIONER DAVENPORT clarified with the applicant that he is not asking to waive any repairs necessary and is just asking for 120 days to do the work.

COMMISSIONER GOYNES asked what time frame the applicant would be given if the item were approved. ROBERT GENZER, Director, Planning and Development Department, pointed out that Condition 1 would allow up to one year for completion. COMMISSIONER GOYNES told MR. GAUDIO that MR. MARTINEZ would have one year to complete the work. MR. GAUDIO said that in complying with Code, MR. MARTINEZ would lose more than half the kitchen.

COMMISSIONER EVANS asked if the additional structures increased the homeowners insurance for the surrounding neighbors. CHAIRMAN TRUESDELL was not able to answer. VICE CHAIRMAN NIGRO indicated that if the walls are made to meet the one-hour fire rating, it more than likely would not change the insurance of any surrounding neighbors. MR. GAUDIO offered five letters from surrounding neighbors stating they accepted MR. MARTINEZ into the neighborhood and the home as is.

MR. GAUDIO stated that everything could be corrected except the work proposed for the kitchen because it is half the house.

VICE CHAIRMAN NIGRO asked what scope of work was required in order to bring the house up to Code. MR. LEOBOLD said he was not aware of the full floor plan of the house, but MR. MARTINEZ would most likely lose his kitchen because that was the pop out addition. In addition, the apartment in the rear yard would have to be removed.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 61 – VAR-5199

**MINUTES – Continued:**

Because of the Building Code, MR. LEOBOLD was unsure that the Planning Commission could approve a non one-hour fire rated assembly within three feet of the property line. COMMISSIONER GOYNES asked what options would remain for the MARTINEZ family if the item were denied. VICE CHAIRMAN NIGRO indicated that would result in the same options of removal of the back house and most of the kitchen.

DEPUTY CITY ATTORNEY BRYAN SCOTT noted that there is no condition regarding a Building and Safety inspection. He wondered if that should happen in order to find out specifically what is required to meet Code. MR. LEOBOLD stated that in the past, that is what has been done. DEPUTY CITY ATTORNEY SCOTT suggested abeying the item to allow time to meet with the Building Department to find out what the work entailed. Then the applicant would know what was required and if he could comply.

MR. LEOBOLD indicated a 30-day abeyance would be adequate for the purpose described.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(12:50-1:03)

**5-1140**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**VAR-5208 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: WILLIAM BECHTOL AND EILEEN BECHTOL** - Request for a Variance TO ALLOW A 22 FOOT FRONT SETBACK WHERE A 30 FOOT SETBACK IS REQUIRED FOR A PROPOSED SINGLE FAMILY DWELLING on 0.46 acres at 2010 Strada Mia Court (APN 163-04-713-004), R-E (Residence Estates) Zone, Ward 1 (Moncrief).

**P.C.: FINAL ACTION**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**GOYNES – APPROVED – UNANIMOUS with TRUESDELL abstaining because he has a business relationship with the title company and he believed MS. BECHTOL is their top escrow consultant**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, indicated the request is to allow a 22-foot front setback where a 30-foot setback is required. This will push the house forward on the lot to accommodate a pool in the rear yard. Because an alternative design of the pool or home would allow conformance, the hardship is considered self imposed.

EVAN VAUSE, Architect, 1325 Cadence, Henderson, appeared on behalf of the applicant and explained the owner of the property is trying to move the garage back and away from the street.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 62 – VAR-5208

**MINUTES – Continued:**

This is common within the neighborhood. Approval would affect more than just the pool, the front of the home is setback so that the entire house is not at the 22-foot setback mark. A considerable portion is behind the setback requirement. He concluded by saying several homes on the block have received similar variances.

COMMISSIONER STEINMAN asked if the City had evidence of other homes in the neighborhood violating setback requirements or receiving variances to do work such as that proposed. The Commissioner was unable to get into this private community, so he could not see if any of the homes violated the setbacks. MR. VAUSE stated that the homes varied on the backside. COMMISSIONER STEINMAN felt the hardship was self-imposed and primarily due to the pool. He asked if the neighbors were aware of the applicant's proposal because no proof has been offered to that affect. MR. VAUSE stated he believed the neighbors are aware of the request. He also suggested the Commissioner could ask the Planning Department about which homes were granted variances. MR. LEOBOLD did not have any information regarding variances on the other homes within the neighborhood and he was not familiar with the block.

COMMISSIONER STEINMAN felt that perhaps one home could have requested a variance. He feared that allowing this applicant to push their house back because they want a pool could result in other neighbors becoming upset. MR. VAUSE clarified that the adjacent neighbor's variances are for situations such as accessory structures and homes that are closer to the backside of the properties.

COMMISSIONER EVANS suggested the applicant could get letters of approval from the surrounding neighbors. He stated this is minor in the grand scheme of things; however, there are reasons for ordinances and perhaps it would be better if the applicant were to work within the stated parameters. COMMISSIONER EVANS questioned if the pool could be made narrower because the hardship is entirely self-imposed. MR. VAUSE stated the issue is not solely with the pool but with the design of the home. His hope was to have the variance approved so he would be able to move the garage back from the street and away from view from the street. The pool and backyard landscaping are a part of the whole scenario but there is more to it than just the pool. COMMISSIONER EVANS confirmed with MR. VAUSE that the home is designed to keep the garage away from view.

COMMISSIONER DAVENPORT asked if the project had been before the architectural committee of the subdivision. MR. VAUSE stated that there were comments given regarding a minimum square footage but the applicant was not asked to present the project at a meeting. MR. VAUSE indicated the architectural committee is very relaxed. He offered to obtain the

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 62 – VAR-5208

**MINUTES – Continued:**

consent letters from the neighbors prior to the item being heard before City Council and VICE CHAIRMAN NIGRO reminded him the item was Final Action. MR. VAUSE stated the property had served as a park for the community for sometime. Eventually, it was sold and the owner decided to put a home on the lot. The neighbors are happy there is something actually being built on the site.

After hearing COMMISSIONER GOYNES motion for approval, COMMISSIONER EVANS asked if he would be interested in adding a requirement that the applicant receive the support of the community. DEPUTY CITY ATTORNEY BRYAN SCOTT informed the Commission that because the item is Final Action, there is no way to enforce that requirement. COMMISSIONER EVANS confirmed with MR. LEOBOLD that there was a 750-foot notification radius so the immediate neighbors were notified of this application. The Commissioner suggested that should MR. VAUSE have similar applications in the future, he obtain approval letters from the surrounding landowners prior to bringing the item before the Planning Commission.

VICE CHAIRMAN NIGRO declared the Public Hearing closed.

(1:03-1:13)

**5-1639**

**CONDITIONS:**

Planning and Development

1. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-5183) and Site Development Plan Review (SDR-5184).

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SUP-4930 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: YOUR CREDIT, INC. D/B/A LAS VEGAS FINANCE - OWNER: SAHARA PAVILION NORTH U.S., INC. - Request for a Special Use Permit FOR A PROPOSED FINANCIAL INSTITUTION, SPECIFIED AND FOR WAIVERS OF THE 1,000-FOOT DISTANCE SEPARATION REQUIREMENT BETWEEN SIMILAR USES AND THE 200-FOOT DISTANCE SEPARATION REQUIREMENT FROM RESIDENTIAL USES at 2121 South Decatur Boulevard, Suite #2 (APN 162-06-402-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).**

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MINUTES:**

**NIGRO – Motion to HOLD IN ABEYANCE – APPROVED – UNANIMOUS**

**To be held in abeyance until 11/18/2004 Planning Commission Meeting**

**MOTION:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

BILL CURRAN, Curran and Perry, 300 South 4<sup>th</sup> Street, appeared on behalf of the applicant and requested the item be held in abeyance. He stated he was not aware of any citizens present to speak on the item.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(9:48-9:51)

**3-986**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SUP-5136 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: LLANTERA NEVADA, LLC - OWNER: LINDA L. BASCOS** - Request for a Special Use Permit FOR AN AUTO REPAIR GARAGE, MINOR at 4350 East Bonanza Road (APN 140-30-803-010), C-1 (Limited Commercial) Zone, Ward 3 (Reese).

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – APPROVED subject to conditions and deleting Condition 4 – UNANIMOUS**

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 64 [SUP-5136] and Item 65 [SUP-5137].

GARY LEOBOLD, Planning and Development Department, explained that the City Council approved a request for Special Use Permit U-33-98 for a mini-lube and car wash in June of 1998 at this location. That operation went out of business in January of 2002. This applicant wishes to re-establish the previous business on the site.

FRANCISCO IRIAS, 808 Pyramid Drive, appeared on behalf of the applicant, LUIS HERRERA, as his translator and agreed to all conditions. MR. HERRERA is requesting the Special Use Permit so that he could operate a minor auto repair garage and a full service car wash.



PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 64 – SUP-5136

**MINUTES – Continued:**

The applicant believes the addition of these services will bring more business to the area. COMMISSIONER McSWAIN commented that the building already exists and is situated so that the service bays face the right-of-way. Condition 4 of Item 64 [SUP-5136] states the service bays shall not face the public right-of-way. She questioned the contradiction. MR. LEOBOLD explained that it is a standard condition in the Code, so waiving the condition for the existing building is appropriate.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 64 [SUP-5136] and Item 65 [SUP-5137].

(1:13-1:16)

**5-1639**

**CONDITIONS:**

Planning and Development

1. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. All City Code requirements and design standards of all City departments must be satisfied.
3. All repair and service work shall be performed within a completely enclosed building.
4. Openings to the service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
5. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
6. No outside storage of stock, equipment or residual used equipment shall be located in any open area outside of an enclosed building.
7. All disabled vehicles shall be stored in an area, which is screened from view from the surrounding properties and adjoining streets. Vehicles shall not be stored on the property longer than 45 days.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SUP-5137 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: LLANTERA NEVADA, LLC - OWNER: LINDA L. BASCOS** - Request for a Special Use Permit FOR A CAR WASH (FULL SERVICE) at 4350 East Bonanza Road (APN 140-30-803-010), C-1 (Limited Commercial) Zone, Ward 3 (Reese).

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – APPROVED subject to conditions and deleting Condition 4 – UNANIMOUS**

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

See Item 64 [SUP-5136] for all related discussion on Item 64 [SUP-5136] and Item 65 [SUP-5137].

(1:13-1:16)

**5-1639**

**CONDITIONS:**

Planning and Development

1. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council. New Construction
2. All City Code requirements and design standards of all City departments must be satisfied.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 65 – SUP-5137

**CONDITIONS – Continued:**

3. The hours of operation shall be limited to the period between 7:00 A.M. and 10:00 P.M.
4. Openings to the wash bays shall not face public right-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
5. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel.
6. No retail sale of vehicles is allowed.
7. The use must not be located within 200 feet of a residential property unless the use is separated from the residential property by a street with a minimum right-of-way width of 80 feet.
8. The applicant must demonstrate that the use can be made inoperable and inaccessible to the public after business hours.
9. Vacuum bays are permitted as part of this use if their operation is in compliance with the other base standards for this use.
10. The use must be operated in conjunction with another motor vehicle related use, such as gasoline sales, smog inspection, minor automotive repair, or recreational vehicle and boat storage.
11. An attendant must be on the premises during all times the equipment is operational.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SUP-5148 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: ROBERTA J. GOOD AND RICHARD C. GOOD** - Request for a Special Use Permit FOR A PROPOSED GUEST HOUSE/CASITA TO EXCEED THE HEIGHT OF THE MAIN DWELLING BY ONE FOOT TWO INCHES AND HAVE THREE OCCUPANT ROOMS WHERE ONE OCCUPANT ROOM IS ALLOWED at 6600 Buckskin Avenue (APN 138-11-312-018), U (Undeveloped) Zone [DR (Desert Rural Density Residential) General Plan Designation], Ward 6 (Mack).

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – APPROVED subject to conditions – Motion carried with STEINMAN voting NO**

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, stated the proposed attached guesthouse is 1,380 square feet. The building is taller than the main dwelling it is situated behind. By Code, one occupant room with bathroom and walk-in closet has been exceeded as the proposed guesthouse has three rooms. All other conditions for a guesthouse/casita have been met. The applicant could redesign the project to meet all of the Code standards so the hardship is

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 66 – SUP-5148

**MINUTES – Continued:**

self-imposed. The intent of the Code for guesthouse/casita would allow small residential structures for occasional use, not continual habitation by more than one or two persons. Staff feels the request is unnecessary and excessive.

RICHARD GOOD, 6600 Buckskin Avenue, appeared and explained this project originally began as an addition to the house but due to the zoning in the area, the project was eight feet off of the setback requirement. MR. GOOD'S architect brought that fact to his attention and suggested the home be built as a detached structure so no variance would be required. They decided to build as suggested but two months ago, one of the contractors on the job commented that there should not be more than one room unless a variance was granted.

He referenced a diagram of the home and indicated only one of the rooms is 14 inches above the existing main dwelling and the remainder of the building is two inches above the home. Because the addition is setback 13 feet from the home, the difference in height would not really be visually detectible. MR. GOOD stated one of the three rooms would be used by his wife as a sewing and craft room. There will be an entertainment room with a TV and a pool table and also an office for the applicant to work and study in.

CHAIRMAN TRUESDELL confirmed with MR. GOOD that he is in concurrence with all conditions. COMMISSIONER McSWAIN clarified with MR. LEOBOLD that the application is necessary due to the height of the building and the additional wall.

COMMISSIONER STEINMAN felt the addition is really a second home on the property. He asked MR. GOOD why the home was not attached to the new structure. MR. GOOD stated that the original intent was to add on to the home but the architect indicated a variance would be required to build eight feet past the required setback. Now, six months later, MR. GOOD is standing before the Planning Commission anyway. The Commissioner felt if the structure as shown on the diagram was placed up against the main dwelling, there would not be a setback issue. MR. GOOD stated the building would exceed the setback by eight feet unless the rooms were reduced and the measurement now is only 11 feet by 10 feet each.

COMMISSIONER STEINMAN asked if the setback requirements were met with the detached structure. MR. LEOBOLD clarified that if the structure were attached, the setbacks would change.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(1:16-1:127)

**5-2185**

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 66 – SUP-5148

**CONDITIONS:**

Planning and Development

1. Conformance to the remaining requirements of Title 19.04.040 for a Guest House/Casita use.
2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

4. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SUP-5181 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/ OWNER: STREAMLINE TOWER, LLC** - Request for a Special Use Permit FOR A 22 STORY, 24,000 SQUARE FOOT, MIXED USE DEVELOPMENT adjacent to the southeast corner of Las Vegas Boulevard and Ogden Avenue (APN 139-34-611-001, 011 and 012), C-2 (General Commercial) Zone, Ward 5 (Weekly).

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**EVANS – APPROVED subject to conditions – UNANIMOUS**

**To be heard by the City Council on 11/17/2004**

NOTE: CHAIRMAN TRUESDELL disclosed that he manages property in the downtown area just outside the notification area and he owns property in the downtown area. He has no conflict and is comfortable voting on these two items.

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 67 [SUP-5181] and Item 68 [SDR-5180].

FLINN FAGG, Planning and Development Department, stated the Special Use Permit is a request to allow a mixed-use development in a C-2 zoning district that will include residential units. The project does comply with the minimum standards of the Use Permit and staff recommended approval. The Site Development Plan Review would allow for 251 residential

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 67 – SUP-5181

**MINUTES – Continued:**

units and up to 24,000 square feet of commercial space. The project would require a waiver of the Centennial Plan setback requirement at the 4<sup>th</sup>, 11<sup>th</sup> and 18<sup>th</sup> stories of the building. A waiver would also have to be granted regarding the Downtown Centennial Plan streetscape requirements to allow a reduced sidewalk. The Entertainment District Design Review Committee reviewed the project and recommended approval with the conditions as attached.

RICK VANDIEPEN, 3411 Rochelle Court, appeared on behalf of the applicant and explained the owner is a visionary and the project is very exciting. This could bring residential mixed use to an appropriate neighborhood. The applicant has worked with staff to make sure the design elements of the Centennial Plan were incorporated into the project while complying with staff's regulations. The project will be 21 stories tall and have seven stories of parking. The parking area has been obscured with architectural decorative screening. There will be a pool and an outdoor terrace on the top floor. The applicant agreed to all conditions and requested approval.

DOUG LEIN, City of Las Vegas, Office of Business Development, stated the project is very exciting for the downtown area. It meets all the goals of the Redevelopment Agency and the developer has MR. LEIN'S full support.

COMMISSIONER EVANS asked what the vision was for the lower level retail. DUSTY ALLEN, 913 Estrella Vista Street, explained the space is usable for tenants such as the postal service, a coffee shop or an off-site dry cleaner. The portion on the Las Vegas Boulevard side would be part of the Entertainment District, so perhaps a jazz club or restaurant may be appropriate. COMMISSIONER EVANS thought this was an exciting project.

COMMISSIONER STEINMAN asked if a traffic analysis had been completed yet. DAVID GUERRA, Public Works Department, informed the Commissioner that a requirement of a traffic analysis is in place but it has not been completed at this time. COMMISSIONER STEINMAN liked the project and was not going to hold up the vote due to the lack of the finalized traffic study but he reiterated the impact on traffic staging this project could have. He felt that staging should be made a part of the traffic analysis.

MR. ALLEN stated the preliminary reports are positive in terms of impacting the existing roadway. The applicant will provide for the future widening of Las Vegas Boulevard by dedicating an additional five feet of right-of-way. This five-foot dedication is also occurring at Ogden Avenue and 6<sup>th</sup> Street. Also, the main entrance of the project has been moved so that it is not on Las Vegas Boulevard, which should help with the traffic caused by front door activity.



PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 67 – SUP-5181

**MINUTES – Continued:**

COMMISSIONER STEINMAN asked the applicant if they intended to stage at night. MR. ALLEN replied that after speaking with City Traffic Engineers, a system has been conceived where half of the street will be allowed to have full time construction staging during working hours and then at night, the entire street along Ogden Avenue will be dedicated. There are also negotiations occurring right now that will hopefully result in being able to use adjacent properties for material staging.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 45 [GPA-5205] and Item 46 [ZON-5206].

(1:27-1:36)

**5-2692**

**CONDITIONS:**

Planning and Development

1. Conformance to all minimum requirements listed in Title 19.04.050 for a Mixed Use development.
2. Approval of and conformance to all Conditions of Approval for Site Development Plan Review (SDR-5180).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an extension of Time is granted.
4. All City Code requirements and design standards of all City Departments must be satisfied.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SDR-5180 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-5181 - PUBLIC HEARING - APPLICANT/OWNER: STREAMLINE TOWER, LLC** - Request for a Site Development Plan Review FOR A 267 FOOT TALL, 251 UNITS AND 24,000 SQUARE FEET OF COMMERCIAL IN A MIXED USE DEVELOPMENT WITH WAIVERS FROM THE DOWNTOWN CENTENNIAL PLAN on 1.03 acres adjacent to the southeast corner of Las Vegas Boulevard and Ogden Avenue (APN 139-34-611-001, 011 and 012), C-2 (General Commercial) Zone, Ward 5 (Weekly).

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**EVANS – APPROVED subject to conditions – UNANIMOUS**

**To be heard by the City Council on 11/17/2004**

NOTE: CHAIRMAN TRUESDELL disclosed that he manages property in the downtown area just outside the notification area and he owns property in the downtown area. He has no conflict and is comfortable voting on these two items.

**MINUTES:**

See Item 67 [SUP-5181] for all discussion on Item 67 [SUP-5181] and Item 68 [SDR-5180].  
(1:27-1:36)

**5-2692**

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 68 – SDR-5180

**CONDITIONS:**

Planning and Development

1. A Special Use Permit (SUP-5181) to allow Mixed-Use development approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations, date stamped 09/03/04, except as amended by conditions herein.
4. The Waiver from the Downtown Centennial Plan building stepback requirement is hereby approved, based on the proposed façade articulation and level of detail of the elevations.
5. The Waiver from the Centennial Plan streetscape requirements is hereby approved, in order to allow ten foot wide sidewalks where 11 are required, due to the existing curb alignment.
6. The applicant shall be required to provide and install standard Fourth Street style fixtures in place of existing fixtures. Exact specifications, shop drawings, and standard suppliers can be obtained from the City of Las Vegas Engineering Design Superintendent, Department of Public Works, 229-6272.
7. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
8. All mechanical equipment shall be fully screened from street level and surrounding building views.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
10. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or on-site service panel location, in accordance with Subsection DS2.1.f of the downtown Centennial Plan.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 68 – SDR-5180

**CONDITIONS – Continued:**

11. Utilities and power service lines in alleys shall be located underground; the property owner shall be required to provide for their proportionate share of the utility relocation and alleyway treatment pursuant to a schedule as adopted by City Council. In addition, the surfacing of the alley shall conform to the Alleyway Treatment, as depicted in Graphic 4 of the Downtown Centennial Plan.
12. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

13. Dedicate an additional 5 feet of right-of-way for a total half-street width of 45 feet on Las Vegas Boulevard. Dedicate a 25 foot radius on the southeast corner of Las Vegas Boulevard and Ogden Avenue and a 10 foot radius at the southwest corner of Ogden Avenue and 6<sup>th</sup> Street prior to the issuance of any permits.
14. Coordinate with the City Surveyor to determine whether a Reversionary Map or other Map is necessary; if such a Map is required, it should record prior to the issuance of any permits for this site.
15. Grant a Traffic Signal Chord Easement at the southeast corner of Las Vegas Boulevard and Ogden Avenue.
16. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan Standards concurrent with development of this site. All new or modifications to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
17. An application to vacate the existing public sewer main and easement through this site must be approved and the Order of Vacation recorded prior to the issuance of any building or grading permits. A sanitary sewer plan addressing continuous service for upstream customers, relocation of alternate mains and abandonment of existing mains must be submitted to and approved by the City Engineer as part of the Order of Vacation process.
18. This site shall connect to the 24" sanitary sewer main in Ogden Avenue. The alternate sewer main passing through this site does not have the capacity to service this project.
19. Landscape and maintain all unimproved rights-of-way adjacent to this site.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 68 – SDR-5180

**CONDITIONS – Continued:**

20. Submit an Encroachment Agreement for all landscaping and private improvements, located within or over the public rights-of-way adjacent to this site prior to occupancy of this site.
21. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.
22. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
23. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SUP-5189 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: JEFF & KELLI WOLF - OWNER: RANCHO PINES, LP** - Request for a Special Use Permit FOR A THERAPEUTIC MASSAGE ESTABLISHMENT AND A WAIVER FROM THE 400 FOOT DISTANCE SEPARATION REQUIREMENT FROM A CHILD CARE FACILITY at 4588 North Rancho Drive, Suite #12 (APN 138-02-214-002), C-1 (Limited Commercial) Zone, Ward 6 (Mack).

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – APPROVED subject to conditions – UNANIMOUS**

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, stated that the subject property is zoned C-1 (Limited Commercial). The massage establishment use is permitted in this zoning district with the approval of a Special Use Permit. The proposed massage establishment will occupy a suite within the Rancho Pines Shopping Center, a one-story retail/office complex. The type of massage that will be practiced will be strictly therapeutic. The business would function similar to a typical medical office. According to the floor plan, three rooms will be designed for therapy, with a table in each room.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 69 – SUP-5189

**MINUTES – Continued:**

The applicant has also requested a waiver for the 400-foot distance separation requirement from a childcare facility and residential parcels. The waiver is acceptable, since this massage practice is medical in nature and will have no impact whatsoever on surrounding parcels. In addition, the Rancho Pines property is screened from the residential properties by existing block walls and landscaping.

JEFF and KELLY WOLF, 4588 N. Rancho Drive, agreed with staff's conditions.

COMMISSIONER McSWAIN stated that in the past, previous applications have been approved with similar circumstances, and she would support this application as well.

MRS. WOLF thanked staff and the Commission for moving their item up on the agenda for discussion, due to their family emergency.

No one appeared in opposition.

CHAIRMAN TRUESELLE declared the Public Hearing closed.

(6:57-6:59)

**1-1899**

**CONDITIONS:**

Planning and Development

1. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. Base conditions for the approval of a Special Use Permit for a Massage Establishment (City of Las Vegas Title 19.04 .050.B) shall be satisfied, except for minimum distance separation requirements, which are hereby waived.
3. Staff of the Massage Establishment shall maintain all City and/or State required Massage Therapy Licenses, without lapse.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SUP-5191 - SPECIAL USE PERMIT RELATED TO SDR-5192 - PUBLIC HEARING - APPLICANT/OWNER: SANDCASTLE ENTERPRISES, INC. - Request for a Special Use Permit FOR A CHILD CARE CENTER TO ACCOMMODATE A MAXIMUM OF 186 CHILDREN adjacent to the southwest corner of Tule Springs Road and Farm Road (a portion of APN 125-16-301-001 and 002), R-E (Residence Estates) Zone, Ward 6 (Mack).**

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**EVANS – APPROVED subject to conditions– UNANIMOUS**

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 70 [SUP-5191] and Item 71 [SDR-5192].

GARY LEOBOLD, Planning and Development Department, reminded the Commissioners that this site had been before the Commission previously as a residential subdivision. The request is now for a childcare center that could accommodate a maximum of 186 children within an 11,000 square foot building. There would be playground areas to the east, south and west. The proposed site plan does meet the maximum lot coverage requirement and the site has been designed for the loading and unloading of children on the site. The parking and landscaping requirements have been met or exceeded.



PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 70 – SUP-5191

**MINUTES – Continued:**

GEORGE ROGERS, Architect, 4625 South Polaris Avenue, stated the same operator, Creative Kids, had a similar project four years ago in Summerlin. The site is square shaped and adjacent to residential on the east, north and south sides. It would provide a great buffer across Tule Springs Road. He agreed to all conditions and requested approval.

PATRICK BERGSRUD, 8311 Farm Road, explained he is the adjacent property owner and that he welcomed the project as something needed in the area. Because he spoke against the previous application, he felt it was only right to speak in support of this item that he favored.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 70 [SUP-5191] and Item 71 [SDR-5192].

(1:36-1:39)

**5-3126**

**CONDITIONS:**

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.040 for Child Care Center (More Than 12 Children) use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-5192).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SDR-5192 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-5191 - PUBLIC HEARING - APPLICANT/OWNER: SANDCASTLE ENTERPRISES, INC.** - Request for a Site Development Plan Review FOR A CHILD CARE CENTER on 1.53 acres adjacent to the southwest corner of Tule Springs Road and Farm Road (a portion of APN 125-16-301-001 and 002), R-E (Residence Estates) Zone, Ward 6 (Mack).

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**EVANS – APPROVED subject to conditions– UNANIMOUS**

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

See Item 70 [SUP-5191] for related discussion on Item 70 [SUP-5191] and Item 71 [SDR-5192].  
(1:36-1:39)

**5-3126**

**CONDITIONS:**

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations date stamped September 7, 2004, except as amended by conditions herein.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 71 – SDR-5192

**CONDITIONS – Continued:**

3. A Reversionary Parcel Map must be submitted and approved prior to the issuance of any building permits.
4. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.
5. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]
7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
11. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 71 – SDR-5192

**CONDITIONS – Continued:**

13. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

14. Dedicate an additional 29 feet of right-of-way for a total radius of 54 feet on the southeast corner of Tule Springs Road and Farm Road prior to the issuance of any permits.
15. Coordinate with the City Surveyor to determine whether a Merger and Re-subdivision Map or other map is necessary. Comply with the recommendations of the City Surveyor.
16. Construct half-street improvements including appropriate overpaving on Tule Springs Road and Farm Road adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
17. Landscape and maintain all unimproved rights-of-way on Tule Springs Road and Farm Road adjacent to this site.
18. Submit an Encroachment Agreement for all landscaping and private improvements located in the Tule Springs Road and Farm Road public rights-of-way adjacent to this site prior to occupancy of this site.
19. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 71 – SDR-5192

**CONDITIONS – Continued:**

compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

20. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SUP-5196 - SPECIAL USE PERMIT RELATED TO SDR-5197 - PUBLIC HEARING - APPLICANT: GARY R. BRENNAN - OWNER: JAE SUM KIM AND MIMI KIM -**  
Request for a Special Use Permit FOR A 445 UNIT RESIDENCE HOTEL adjacent to the southeast corner of Rainbow Boulevard and Rancho Drive (APN 125-35-401-003), C-1 (Limited Commercial) Zone, Ward 6 (Mack).

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at Meeting – Seven letters of opposition from Glenda Simper, Petition (opposition) with signatures

**MOTION:**

**GOYNES – DENIED – UNANIMOUS**

**To be heard by the City Council on 11/17/2004 (Not before 4 p.m.)**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 72 [SUP-5196] and Item 73 [SDR-5197].

FLINN FAGG, Planning and Development Department, indicated that in regards to the Special Use Permit, the proposed development meets the definition for residence hotel and is compatible to the adjacent commercial uses on Rancho Drive. Regarding the Site Development Plan Review, the proposal is to construct 10 buildings on the site with 445 units. The buildings would be setback and screened in accordance with City requirements. It would comply with residential adjacency standards and the City's buffering requirements. Staff required the applicant to revise

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 72 – SUP-5196

**MINUTES – Continued:**

floor plans to remove the exterior walkways and make them interior to the building. Also, the castle like appearance of the office building needed to be toned down to make it more compatible with the adjacent commercial properties.

ROBERT QUALEY, 20 Bonneville, appeared on behalf of the applicant and stated concurrence with all conditions except the requirement of the interior walkways. The applicant felt the exterior corridors provide a better facility for management and tenants. This property is the third to be built by this developer and each one is an improvement over the last. He indicated the applicant has a property on Las Vegas Boulevard, which will be built with larger rooms and better security.

MARK JIMENEZ, 6332 Echo Canyon Circle, stated he recently moved into the area after looking for a new home for sometime. He has three small children and wanted to be sure to move into a good area of town. MR. JIMENEZ indicated there is a Budget Suites nearby at Lake Mead Boulevard and Rancho Drive and it is the same type of building as what is proposed. He said crime has increased since that establishment opened and it is killing the neighborhood. MR. JIMENEZ stated his friend lives near that Budget Suites and recently had his home broken into while he was in the house. His friend was able to hide in the bathroom and call 911 and the police were able to arrest the burglar. The burglar was living at the Budget Suites. As a teacher, MR. JIMENEZ is familiar with the negative repercussions of locating a transient population near a good school. Students circling in and out are very damaging to schools. He stated the neighbors did not want this item approved, as it would kill the neighborhood.

CHARLES WEBER, 6601 Welcome Lane, explained his property is three-quarters of an acre and is adjacent to the proposed site. He voiced concern over the crime the proposed project could bring into the neighborhood. The homes in the area are situated on larger lots and he feared the residents of the proposed hotel would think they are wealthy and be tempted to break into their homes. MR. WEBER has two small children and he challenged the investors of this project to place their investment value above the value of his children's lives or the safety of the neighborhood. He stated that the Budget Suites located near the Texas Hotel has had three methamphetamine labs raided and exposed this year alone. MR. WEBER acknowledged that the City has closed down the weekly rental properties in the downtown area and stated they should not be allowed in a residential neighborhood. He told the applicant that he understands the investment opportunity of the property but asked them to look into another project that could go on this site.

LARRY PANZER, 6417 Quantam Lane, stated he was a taxi cab driver for six years in Las Vegas and has seen the type of people who stay at residence hotels. He felt placing an establishment of this type near an adult bookstore would be an explosive combination.

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**MINUTES – Continued:**

There is also an elementary school and a daycare facility nearby. He urged the Commission to deny this application.

BOB LUNDQUIST, 4924 Vega Lane, voiced his concerns relating to this project, which included increased traffic, the burden on the elementary school and public safety. The intersection of Rancho Drive and Rainbow Boulevard was recently worked on and he felt they were unaware of this proposed project and therefore, did not plan around it. Regarding schools, he has four children at the nearby elementary school and they are already on year round schedule to accommodate the population. His final concern regarding public safety stems from his 14 years of experience within law enforcement. He is currently a supervisor and he has seen the type of activity that occurs at residential hotels. MR. LUNDQUIST pointed out that the applicant also owns property on Boulder Highway called the Royal Manor. That property has experienced 669 police generated calls for service from July 1st through September 30th of this year. In that area, there were 11 stolen vehicles in addition to rapes, robberies and burglaries. At the Rancho Budget Suites, there were 447 calls for service. MR. LUNDQUIST does not want this proposed development in his neighborhood. COMMISSIONER McSWAIN clarified with MR. LUNDQUIST that the numbers he quoted were for the properties only, not the area surrounding the properties.

MIKE DUFFY, 6337 Yankee Meadows Circle, explained he moved into this area eight months ago and he moved there from Rancho Drive and Lake Mead Boulevard. He attested to what MR. LUNDQUIST stated regarding activity at the Budget Suites. When MR. DUFFY lived across the street from that establishment, he saw the police there on a daily basis. There were shootings and meth labs and MR. DUFFY does not want this type of activity in his neighborhood. He also feared the affects the transient community would have on the school.

DAWN DUFFY, 6337 Yankee Meadows Circle, said that she works for a development that rents on a monthly basis and she could not verbalize the distaste she felt when dealing with the individuals that rented there as part of her job. She was happy it is not where she lives and she stated she did not want it to be near her. She moved to this location after a Budget Suites drove her out of her previous neighborhood. This is the first home she and her husband have had where they can allow their children to play outside. This could destroy that freedom and force her to confine her children to play indoors only. She speculated that the Commissioners would not want to live next door to a residential hotel either. She asked for the board to deny the application.

RAY SPORE, 6600 Welcome Lane, stated he lives about a half a block away from the proposed site. He agreed with comments made by all of the speakers before him and said he vehemently opposed this project.



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**MINUTES – Continued:**

DR. BRIAN LOVERIDGE, 5525 Flora Spray Street, stated the applicant would like everyone to believe that drug dealers do not sell drugs to kids, prostitutes cannot afford rooms at their establishment and gangs and criminals are standing in line for food stamps. Everyday DR. LOVERIDGE sees what happens in these types of hotels. He sees kids that come into his Emergency Room beaten so badly that their mothers cannot recognize them. He sees transvestites with in stage HIV and open wounds who prostitute at these types of places. A drunk driver killed DR. LOVERIDGE'S best friend and the man who was driving the other car was brought into his Emergency Room. He had to decide what to do and he did the right thing and treated the man. He asked that the Commission do the right thing and keep this proposed development out of their neighborhood.

CYBLE HALL, 5061 Diamond Ranch Avenue, an employee of Ernest May Elementary, appeared with DARLENE BRAGG, 6120 Azurite Drive, an employee and the PTSO Vice President for May Elementary. MS. BRAGG spoke on behalf of the entire PTSO and stated the school is heavily overpopulated and a year-round school. There are 40 special education students in the school now and the school cannot take the added families this proposed development would bring. Transient families bring high-risk children into the schools and the school is not funded well enough to support that type of population. Also, MS. BRAGG did research on this item and found out that there are 21 registered sex offenders in the area, which includes the Budget Suites. Adding this development would only increase the number of sex offenders the school must be concerned with. The surrounding zip code area of 89131 that borders the north and west of this neighborhood and the number of registered sex offenders in that area is only seven. They do not have an establishment such as what is proposed with this application.

SERGE MILLER, 6441 Rancho Santa Fe Drive, concurred with statements of the previous speakers and voiced his concerns about increased traffic and crime. He stated the neighborhood was very pleasant and then the hotel went in. Once it changed hands, there was a parking structure looming over the area. Then the hotel wanted to place a 2,500 seat outdoor theatre on the property, which would have increased traffic tremendously. The neighbors do not want this transient hotel in the area. He urged the Commission to deny the application.

JANICE HUNSAKER, 4917 Vega Lane, stated her property backs up against the subject property. She fears people may jump the fence into her back yard to rob her home because it is so close. MS. HUNSAKER questioned the building materials that will be used to protect their property and showed a photo of her home's location in relation to the proposed site and another residence. The photo showed vacant property that was severely flooded. She asked about drainage mitigation efforts that have been discussed. The area gets flooded badly because there are only two outlets, one on Quantum and the other on Vega Lane.

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**MINUTES – Continued:**

If a block wall is placed on the property without mitigation efforts, the water will be detoured directly into MS. HUNSAKER'S back yard. She was also concerned about auto repairs being done in the parking lot and about children from the hotel jumping walls to cross the fields. She was wholeheartedly opposed to the project.

JERRY BAILEY, 4901 Vega Lane, stated the subject property is adjacent to his backyard, which is 130 feet deep. He felt the property would become a junkyard filled with syringes and drug paraphernalia that get thrown over the block wall. His home is also adjacent to wash that drains the field. He referenced the numbers of crimes mentioned earlier and offered the numbers his research indicated. Within any given 60-day period, establishments such as the one proposed average approximately 300 calls. MR. BAILEY fears for the safety of his family.

GLENDA SEMPER, 6281 Fisher Avenue, submitted to the City Clerk seven letters of opposition to the project. She voiced concerns about safety and indicated she lives across the street from the school and also works there. She pointed out that directly across the street from the subject property there is a movie theatre. Many of the residents feel safe letting their children go to the movies there but with this proposed development, the kids would lose that freedom. She strongly urged the Commission to deny the application.

STACIE HOWLETT, 6621 Welcome Lane, said that she was concerned with the applicant's representation of what this proposed establishment would be. She pointed out this would be located next to an adult book store/theatre and a mechanic shop with junk cars in the back. She could not imagine any high-class person coming to stay at the hotel. She also mentioned that if the hotel did not succeed, once the zoning was changed, a lower budget facility could replace it. MS. HOWLETT felt a 445-unit residence is massive and comparable to high-rise towers also before the Commission. She urged the Commissioners to drive by the Budget Suites across from the Texas Stations to see there are other facilities in the area. Rooms at the Santa Fe cost about \$38 a night. She said the neighbors do not want to drive that establishment out of town but they do not want one in their backyard either. She urged the Commission to deny the application.

DOUGLAS HOWLETT, 6621 Welcome Lane, stated he was opposed to the project. His home is the first home on Rainbow Boulevard from Rancho Drive. They have lived there for several years. He stated there was a meeting several years ago regarding the Santa Fe Hotel being constructed. He was told at that time that the hotel would be very low key and would not have neon signs or blaring lights. Now, when the HOWLETT'S turn off their bedroom light at night, the room is still illuminated by the blinking lights from the Santa Fe. It was changed after the casino went in. MR. HOWLETT did not want the zoning to change. He asked the Commissioners to deny it.

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**MINUTES – Continued:**

DEBRA DEBELLA, 6508 Cosmo Lane, was concerned about the hotel being called a residence hotel. As MS. HOWLETT mentioned, the Santa Fe is nearby as well as other facilities. MS. DEBELLA felt this would cause a transient situation with people living paycheck to paycheck because they cannot afford the high rent deposits necessary to get into an apartment. She felt bad for those individuals. MS. DEBELLA said that between 5:30 a.m. to 9:00 a.m. there is consistently, several children in the area on Torrey Pines Drive because the elementary school is there.

AMANDA CLARK, 6505 Cosmo Lane, stated she moved to this neighborhood when she was three years old and she has grown up with the neighbors and look upon them as family. She did not want to see anything bad happen to her neighbors. MISS CLARK walks to school with several other teens in the neighborhood and knows that other students walk to bus stops or ride their bikes. This commute takes place between 5:30 a.m. and 7:30 a.m. in the morning. She felt that the hotel would bring transients into the community and she would be afraid to make the walk to school not knowing who was around. MISS CLARK felt the police department would not be able to supply an adequate amount of officers to cover the residential hotel. She feared murders, theft, vandalism, rape and kidnapping could occur in her neighborhood if this application is approved. She urged the Commission to deny the application.

KAREN CLARK, 6505 Cosmo Lane, explained she was AMANDA CLARK'S mother and she was at the meeting to voice support for her daughter and all the other children in the neighborhood. The area has always been a safe place for kids to play and she did not want to see that changed. MS. CLARK felt that the neighborhood belongs to the hard working neighbors and their children, so she urged the Commission to deny the items and save the neighborhood.

JARRED NISHIMOTO, 6924 White Lakes Avenue, gave the Commissioners some statistics regarding other properties similar to the one being proposed. In the last 60 days, the owner's property on Boulder Highway had 435 police calls. The neighborhood's current crime rate is 168, which means, if this is built, the crime rate in the neighborhood would triple. MR. NISHIMOTO also indicated that he works for the Clark County School District and that he sees the affects residential hotels can have on neighborhoods and the school system. He said that approval of this item would directly affect Cheyenne High School in a negative manner. He concluded by saying there is no purpose for this hotel. There is no transient work available in the northwest corridor.

KIM BUSH, Liason to Clark County Commissioner Chip Maxfield, wanted to share with the Commission that their office has had 14 people emailing and calling in opposition to this project. COMMISSIONER MAXFIELD wanted that information to be placed on the record for consideration.

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**MINUTES – Continued:**

JENNIFER BLANCHARD, 5408 Flowering Bush Circle, and APRIL CHAPARIAN, 6913 Fruit Flower Avenue, appeared together to speak in opposition to this proposal. MS. BLANCHARD found out about the proposal just a few days prior to the hearing and within a period of less than 24 hours, was able to obtain 42 opposition signatures. She submitted the documents to the City Clerk including signatures of everyone in attendance that spoke. Her children play with the HOWLETT'S children and they are great friends. If this development is built in their neighborhood, people could move. But that would only leave the problem for the children of the families that move in after they leave. She thanked the Commission for listening to everyone at such a late hour and asked them to deny the applications.

JENETTE LANIER, 5033 Maverick Street, said she recently found out about this project and that no meetings were held to discuss the proposal with neighbors. Word of mouth was how many neighbors were informed. MS. LANIER has lived in this area for many years and has seen many changes occur. The traffic is worse even after the widening of Rancho Drive. She helped one of her friends move into a Budget Suite apartment at one time and although the accommodations are nice, she feared for her friend's life. MS. LANIER'S children are grown and getting married but she does have grandchildren and is concerned about how this hotel could affect the area. Currently, the neighbors' children can play and ride bikes and she would like to see it kept that way. She asked the Commission to not allow the applications to pass.

EVELYN FRIG, 5324 White Coyote Place, stated she was a real estate agent in the neighborhood and knew a large number of individuals in all of the communities that were represented by speakers. She estimated the speakers encompass almost a half mile in all directions from the subject site. The residents are a unified group and that is an indication of the flavor of the neighborhood. The proposed project would be a negative in the community and she hoped the Commission would deny it.

CASTLE NISHIMOTO, 6924 White Lakes Avenue, explained he was transferred to Las Vegas as a Special Agent of the FBI and during that period of time, from 1997 to 2001, he worked with the Metropolitan Police Department on Criminal Task Forces. In those years, over half of the arrests MR. NISHIMOTO made were at hotels such as that proposed. With that in mind, when he bought his home, he made sure there were no such establishments nearby. He believed in the statistics quoted earlier because he was there, those were his arrests.

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**MINUTES – Continued:**

MR. QUALEY stated the property is zoned C-1, which allows this type of structure. He empathized with the neighborhood and indicated the applicant would like to put a project in at this site that the neighborhood could be proud of. An establishment that would put the land to the best use possible without creating a danger to the residents. To do that, the requirements of setbacks and landscape buffers have been exceeded. MR. QUALEY introduced SID WOO to address the security issues brought up by the neighbors. MR. WOO currently manages other properties and would manage this location,

SID WOO, 8170 South Eastern Avenue, said he understood and could appreciate the concerns raised by the neighbors. He felt the concerns were valid and should be taken very seriously. MR. WOO was happy to hear there were no concerns regarding the Manor Suites property. He emphasized that this would not be a Budget Suites. MR. WOO is aware of the applicant's Royal Manor property because he is involved in the management of that property. He is aware of the problems encountered on a daily basis there and felt progress is being made to mitigate those issues. He reminded everyone that the application being considered was not to approve a Sportsman Royal Manor or a Budget Suites. The Manor Suite property was put in with different steps and procedures in an attempt to avoid the issues experienced at the Royal Manor and it has been effective.

The applicant's properties participate in the Metro Police IDL program, which is a program started by Sheriff Jerry Keller. The program allows the hotel to give identification information to Metro so that person can be run through the systems. At the Manor Suite property, individuals are required to have a major credit card. That helps to separate out some of the undesirable tenants. The property uses a state of the art key system, which involves the gates surrounding the property. To enter the property from any entrance on the site, the person would have to hold a valid key that can open their unit. If the key expires because the tenant did not pay rent, that person cannot access the property. By taking these steps, there has been a significant improvement in the Manor Suite property versus the Royal Manor property.

Management feels the problems associated with the Royal Manor property could be attributed to some of the hardships that area has encountered. MR. WOO indicated the majority of property owners on Boulder Highway are doing what is possible to make the area a better place to live. Addressing issues relating to the new, proposed development, MR. WOO wanted everyone to understand that the applicant cares about the residents and the neighborhood. This property involves a significant investment and there will be no compromises in security.

COMMISSIONER McSWAIN complemented the presentation of AMANDA CLARK by saying she was a very poised and well-spoken young lady. She reminded MR. WOO that she had suggested a neighborhood meeting and he confirmed he did not hold such a meeting. COMMISSIONER McSWAIN stated that at first look, she thought there was nothing wrong

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Item 72 – SUP-5196

**MINUTES – Continued:**

with this application. She voiced concern over the statistics regarding number of calls even after MR. WOO said improvements have been made. In her opinion, the Special Use Permit should deal with compatibility and the responsibility to demonstrate that compatibility is incumbent upon the applicant. COMMISSIONER McSWAIN would not support the item because the effects on the neighborhood cannot be anticipated.

MR. QUALEY stated the appropriate comparison would not be the Boulder Highway property but the Las Vegas Boulevard property. The new changes were implemented at the Las Vegas Boulevard property and that site does not have the same level of problems as the Royal Manor on Boulder Highway. MR. WOO concurred. COMMISSIONER McSWAIN asked what the results of a METRO call record log for the Las Vegas Boulevard location would show. MR. WOO could not quote statistics but indicated it would be significantly lower. COMMISSIONER McSWAIN stated that even at 50 percent less, the number would be over 300 calls and that is still a large number. MR. WOO stated some calls could be routine calls, METRO patrols or stops that occur on the property that are not associated with actual tenants. He also pointed out that concerned tenants keep an eye out for questionable activities and will act as a policing force and call METRO. MR. WOO informed the Commissioners that the office is situated in a particular way to allow the management to oversee half the facility directly from the office.

COMMISSIONER GOYNES explained that he had met with the applicant earlier in the week and they had a good conversation about the project. The Commissioner was happy to hear a major credit card was required and that the hotel participates in the METRO identification program; however, he felt METRO was not adequately staffed to check every person who enters the facility. Concerning the key access gate, COMMISSIONER GOYNES felt the system could easily be compromised. Regardless of the number of key access gates, determined people can get into the complex. He confirmed with MR. WOO that the units could be rented by the day, week or month. He questioned the rate structure. MR. WOO explained the Las Vegas Boulevard property charges between \$69 and \$89 per night during the weekdays. The proposed project would most likely charge slightly less than that per night because there is a hotel across the street. The weekly rate is in the low to mid \$200 range without any services. Linen and maid service would run approximately \$290 per week. There is no monthly discount. These prices would be for a one-bedroom unit. The two-bedroom units would cost approximately \$300 per week without service and \$400 with service. They have one bed per unit and account for under 20 percent of the inventory. Because of this, the probability of issues relating to large numbers of children is very low. The one bedroom and studio units would not accommodate children.



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Item 72 – SUP-5196

**MINUTES – Continued:**

COMMISSIONER GOYNES felt the prices would require more than one family per unit in order for it to be economical. When meeting with the applicant's representatives, he was informed the anticipated tenants would primarily be construction workers on temporary assignment and he disagreed with that. He was supportive of this item originally but after hearing the passionate presentations of the residents in this area, he would not be able to support the item.

COMMISSIONER STEINMAN stated he had met with MR. WOO earlier in the week at the Las Vegas Boulevard location. He was impressed with the property and with MR. WOO. During this meeting, there was discussion regarding the property on Boulder Highway; however, COMMISSIONER STEINMAN felt he had not received an accurate representation of the problems associated with that property. MR. BRENNAN would own three properties if this application is approved. The Commissioner could not believe how badly MR. BRENNAN had let the Boulder property go and was asking for approval for another site to be built. It was obvious that the residents spoke with passion and truly love their neighborhood. He stated he would not support this application but reminded the residents that something would go onto this site eventually.

VICE CHAIRMAN NIGRO explained he had also met with the applicant and he was also impressed with the processes implemented on Las Vegas Boulevard. He was thinking this would be an appropriate location for an extended stay motel because of the tremendous amount of commercial activity on Rancho Drive. After the public hearing, he felt his initial thought may have been an oversight because he was now aware that this property abuts a very delicate residential neighborhood. VICE CHAIRMAN NIGRO did not feel it was fair to compare every extended stay property should be compared to a Budget Suite. That would be similar to comparing every convenience store, restaurant or tavern to the worst one visited. The quality of the operator is a major factor in how the facilities are ran. The concept of extended stay facilities is not a new one. He did not doubt that this proposed development would be as a higher quality hotel because of the expense associated with the investment.

VICE CHAIRMAN NIGRO indicated that after he had received calls in his office, he then contacted COUNCILMAN MACK'S office to find out what volume of calls they had received. Those calls were in excess of the people who spoke at the meeting. The purpose of the Planning Commission is to act as a zoning and land use body; however, the social impact on the neighborhood cannot be overlooked, as it will impose a serious concern to the development moving forward.

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Item 72 – SUP-5196

**MINUTES – Continued:**

COMMISSIONER GOYNES opposed the project stating that the development is non-compatible and non-harmonious with the neighborhood. Subsequent to the votes on both items, CHAIRMAN TRUESDELL indicated both items would go onto City Council on November 17th.

ROBERT GENZER, Director, Planning and Development Department, announced that due to the number of people concerned with these items, the items would be placed on the agenda so that they would not be heard prior to 4 p.m. He explained the afternoon agenda begins at 1 p.m. and the residents wishing to speak on the item would not have to sit through the other unrelated item for their opportunity to speak. DEPUTY CITY ATTORNEY BRYAN SCOTT confirmed with the DEPUTY CITY CLERK that both items would go before City Council together even though one item was due to have an appeal on denial by the applicant before going forward. MR. GENZER verified that was how the items should be handled.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 72 [SUP-5196] and Item 73 [SDR-5197].

(11:27-12:21)  
**4-1316**



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SDR-5197 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-5196 - PUBLIC HEARING - APPLICANT: GARY R. BRENNAN - OWNER: JAE SUM KIM AND MIMI KIM** - Request for a Site Development Plan Review FOR A 445 UNIT RESIDENCE HOTEL on 7.8 acres adjacent to the southeast corner of Rainbow Boulevard and Rancho Drive (APN 125-35-401-003), C-1 (Limited Commercial) Zone, Ward 6 (Mack).

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at meeting – Seven letters of opposition from Glenda Simper filed under Item 72 [SUP-5196]

**MOTION:**

**GOYNES – DENIED – UNANIMOUS**

**To be heard by the City Council on 11/17/2004 (Not before 4 p.m.)**

**MINUTES:**

See Item 72 [SUP-5196] for related discussion on Item 72 [SDR-5192] and Item 73 [SDR-5197].  
(11:27-12:21)

**4-1316**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SUP-5215 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: DAVID VANZANTEN - OWNER: JAMES POLLINS AND LUISA TAPIA** - Request for a Special Use Permit FOR A TAVERN AND FOR A WAIVER OF THE 1,500 FOOT MINIMUM DISTANCE SEPARATION REQUIREMENT FROM A RELIGIOUS FACILITY at 9 West Charleston Boulevard (APN 162-03-110-109), C-2 (General Commercial) Zone, Ward 1 (Moncrief).

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**EVANS – APPROVED** subject to conditions, deleting Condition 3 and Condition 6 and amending the following condition:

9. The Off-Premise Advertising sign at 9 West Charleston Boulevard shall be removed within *one year* of approval of this special use.  
 – UNANIMOUS with TRUESDELL abstaining because he owns an interest in a piece of property within the notification area of this application

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

FLINN FAGG, Planning and Development Department, explained the application is for a liquor establishment, which requires a Special Use Permit to waive the 1,500-foot minimum distance separation requirement because there is a religious facility nearby. Title 19 states that the waiver

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Planning and Development Department  
Item 74 – SUP-5215

**MINUTES – Continued:**

could be approved if there is a 100-foot right-of-way separating the two facilities and Charleston Boulevard does separate the religious facility from the proposed tavern. MR. FAGG asked that Condition 3 be stricken because it pertains to the distance requirement. A second issue pertains to Condition 6. The property is located within the Downtown Centennial Plan area and consequently, the parking requirements are not automatically imposed upon a project. Also, the area of the proposed tavern is located in the Arts District, which is becoming a pedestrian friendly area. Because of this, staff requests that the six on-site spaces be deemed appropriate for the use and that Condition 6 be stricken.

MR. FAGG pointed out that Condition 9 pertains to a billboard that is above the structure; however, the support beam for that billboard goes into the space of the building itself. There is currently no advertising on the billboard. The condition would require that the billboard be removed as part of the approval of this application.

DAVE VANZANTEN, 8709 Red Rio, Suite 103, appeared and stated he is looking forward to becoming a part of the Arts District. He mentioned there are several proposed multi-story tower projects for the area and this would be a nice place for those residents to go for lunch and dinner. MR. VANZANTEN asked if the Commissioners would consider allowing Condition 9 to remain so that the billboard could be utilized for one year after the doors are opened.

COMMISSIONER McSWAIN confirmed with MR. VANZANTEN that the request to keep the sign for one year is primarily because the income from that billboard was taken into account for the budgeting of the establishment. He stated that whether or not the advertising face is utilized, the monthly rent continues to be received. MR. VANZANTEN said that that income would greatly aid the establishment during the start up phase of the project. He agreed that after one year, he would take the sign down and not ask for an extension.

COMMISSIONER STEINMAN asked for clarification on what appeared to be a religious facility within the distance radius that was not separated by a 100-foot right-of-way. MR. FAGG confirmed that what COMMISSIONER STEINMAN was viewing was a thrift store that was run by a religious facility but it was not a church; therefore, there is no conflict.

MR. VANZANTEN asked for clarification on Condition 12. DAVID GUERRA, Public Works Department, explained the condition would require that if there were any existing public improvements that do not meet current Code, they would have to be removed and replaced and brought up to Code. It does specifically include the alley improvements because the alley is not on any type of maintenance rehabilitation program. COMMISSIONER EVANS suggested MR. VANZANTEN meet with Public Works before the item is heard at City Council. He then confirmed with COMMISSIONER McSWAIN that she would be in support of allowing the

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 74 – SUP-5215

**MINUTES – Continued:**

applicant to keep the sign for one year. COMMISSIONER EVANS stated he was pleased to see this addition to the Arts District.

DEPUTY CITY ATTORNEY BRYAN SCOTT suggested that Planning Staff reconsider how properties such as the thrift store are indicated in the backup. He said he had been confused as COMMISSIONER STEINMAN had been when looking at the map. He suggested that staff use a different color or leave the areas white on the maps.

VICE CHAIRMAN NIGRO declared the Public Hearing closed.

(1:39-1:47)

**5-3333**

**CONDITIONS:**

Planning and Development

1. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. All City Code requirements and design standards of all City departments must be satisfied.
3. Liquor Establishment (Tavern) may not be located within fifteen hundred feet (property line to property line) of any other liquor establishment (tavern), church, synagogue, school, child care facility licensed for more than twelve children, or City park.
4. The proposed Liquor Establishment (Tavern) must have direct access (both ingress and egress) from a street having a minimum right-of-way width of one hundred feet. The required access may be shared with a larger development but must be located within the property lines of the parcel on which the proposed liquor establishment (tavern) will be located.
5. A fully enclosed and roofed refuse collection area shall be built with the same design theme and materials similar to those used in the main structure.
6. All parking spaces required by LVMC Chapter 19.10 for the liquor establishment (tavern) use will be located on the same parcel as the use.
7. The owners of all parcels within the commercial subdivision, including the owner of the parcel on which the Liquor Establishment (Tavern) will be located, execute and record an agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
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Item 74 – SUP-5215

**CONDITIONS – Continued:**

8. Architectural Design Standards of the Downtown Arts District regarding Façade Configuration and Exterior Materials shall serve as a guide to exterior enhancement of the building. The murals at the rear of the property shall be maintained.
9. The Off-Premise Advertising Sign at 9 W Charleston Boulevard shall be removed within 90 days of approval of this special use.
10. All equipment and non-permitted signage shall be kept clear from the roof.
11. The use shall conform to the provisions of LVMC Chapter 6.50.

Public Works

12. Remove all substandard public street improvements, including alley improvements, adjacent to this site and replace with new improvements meeting current Las Vegas Downtown Centennial City Standards prior to the issuance of any permits for this site.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SDR-5179 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: SANDHURST DEVELOPMENT, LLC - Request for a Site Development Plan Review FOR A PROPOSED 31 STORY, MIXED USE DEVELOPMENT IN PARKWAY CENTER TO INCLUDE 409 RESIDENTIAL UNITS AND 41,640 SQUARE FEET OF COMMERCIAL SPACE on 3.23 acres on the north side of Iron Horse Court, approximately 300 feet east of Grand Central Parkway, (APN 139-33-810-006), PD (Planned Development) Zone, Ward 5 (Weekly).**

**C.C.: 11/17/04**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 3 [TMP-5188], Item 29 [GPA-5266], Item 43 [GPA-5195], Item 50 [MOD-5212], Item 51 [VAR-5214], Item 52 [SDR-5213] and Item 75 [SDR-5179] to 11/18/2004 Planning Commission meeting; Item 25 [VAC-5030] to 12/16/2004 Planning Commission meeting; WITHDRAW WITHOUT PREJUDICE Item 44 [GPA-5200] and Item 57 [VAR-5178]; and TABLE Item 47 [GPA-5207], Item 48 [SUP-5210] and Item 49 [SSR-5209] – UNANIMOUS**

NOTE: Chairman Truesdell made a disclosure relating to Item 29 [GPA-5266], as he has an interest in the adjacent property. He would be voting on the abeyance but would abstain once the item comes forward. In addition, on Item 44 [GPA-5200], he would be voting on the abeyance but is uncertain if he would vote on the item once it comes forward, as he has been involved with the group that purchased the property and have abstained on this item in the past.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 75 – SDR-5179

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05-6:20)

**1-90**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**RQR-5166 - REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - APPLICANT: LAMAR ADVERTISING - OWNER: RANCHO DRIVE, LLC** - Required Two Year Review of an Approved Special Use Permit (U-0037-95) WHICH ALLOWED A 40 FOOT TALL, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN on the east side of Rancho Drive, approximately 200 feet south of Rainbow Boulevard (APN 125-35-401-001), C-1 (Limited Commercial) Zone, Ward 6 (Mack).

**IF APPROVED: C.C.: 11/17/04**

**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – APPROVED** subject to conditions, amending the following condition:

3. The entire face-area of both sides of the off-premise advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.

**And adding the following condition:**

- The Special Use Permit shall be reviewed in one year.
- Motion carried with STEINMAN voting NO

**To be heard by the City Council on 11/17/2004**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.



PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 76 – RQR-5166

**MINUTES – Continued:**

GARY LEOBOLD, Planning and Development, stated that the continued off-premise advertising billboard sign use is inappropriate as it is within a vacant lot, which is not conducive to promoting development on vacant properties. Therefore, staff recommended denial, but if approved, subject to a one-year review with staff's recommended conditions.

SCOTT NAFTZGER, Lamar Outdoor Advertising, 1863 Helm Drive, thanked the Commission for bringing the item forward to be heard with his other applications on the agenda. He then requested approval of the application with the deletion of the first sentence on Condition 3.

COMMISSIONER McSWAIN stated that the area is in transition and has upcoming new development. The lot is landscaped and maintained, so she would support the application with a one-year review.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(6:10 – 6:11)

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**CONDITIONS:**

Planning and Development

1. The Special Use Permit shall be reviewed in one (1) year at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.
2. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
3. The off-premise advertising sign (billboard) supporting structure shall be designed to finish materials to complement the existing on-site building. The entire face-area of both sides of the off-premise advertising (billboard) sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 76 – RQR-5166

**CONDITIONS – Continued:**

4. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.
5. All City Code requirements and design standards of all City Departments shall be satisfied.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**ABEYANCE - TMP-5023 - TENTATIVE MAP - GARRETT CROSSINGS - APPLICANT: GARRETT, LIMITED LIABILITY COMPANY - OWNER: JONES DEER SPRINGS, LLC - Request for a Tentative Map FOR A 28-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION on 10.00 acres adjacent to the northeast corner of Jones Boulevard and Deer Springs Way (APN 125-24-201-002), R-E (Residence Estates) Zone under Resolution of Intent to R-PD3 (Residential Planned Development - 3 Units Per Acre), Ward 6 (Mack).**

**P.C.: FINAL ACTION**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**EVANS – APPROVED subject to conditions and amending the following condition:**

2. The development shall conform to the Conditions of Approval for approved applications for Rezoning (ZON-4452) and Site Development Plan Review (SDR-4455), including the approved condition reflecting minimum lot size of an average of 10,240 square feet with no lot being less than 8,800 square feet.

**– UNANIMOUS**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development, stated that on these types of applications, the cross sections depict a maximum natural grade between 0% and 2% across this site. The Subdivision Code allows a development with a natural slope between 0% to 2% a maximum

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 77 – TMP-5023

**MINUTES – Continued:**

4-foot retaining wall. No retaining walls were indicated on the initial application; however, the applicant clarified that there will be a maximum retainment height of 2.7 feet adjacent to Jones Boulevard, no retainment on the eastern property line, a maximum retainment height of 3.4 feet adjacent to Deer Springs Way, and a maximum retainment height of 3.5 feet adjacent to the property to the north. The total vertical wall face adjacent to three sides of this development would exceed eight feet in height with a six-foot perimeter wall. Thereafter, the applicant submitted revised cross sections depicting described retaining walls, and the retaining walls have been eliminated across most of the site. There is no combination of screening and retaining walls that exceed eight feet.

KIRBY ADAMS, 720 **Suzanna** Way, concurred with MR. LEOBOLD'S brief overview of the proposed application. He asked for clarification on Condition 2 relative to the lot sizes, as he was not present at the meeting regarding the Site Plan Review. ROBERT GENZER, Planning and Development, responded that the change on the condition should reflect an average lot size of 10,240 square feet with a minimum lot size of 8,800 square feet. CHAIRMAN TRUESDELL confirmed that MR. ADAMS concurred with the recommended conditions and the change on Condition 2.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed.  
(6:10 – 6:11)

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**CONDITIONS:**

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. The development shall conform to the Conditions of Approval for approved applications for Rezoning (ZON-4452) and Site Development Plan Review (SDR-4455), including the approved condition reflecting minimum lot size of an average of 11,000 square feet with no lot being less than 8,800 square feet..
3. Street names must be provided in accordance with the City's Street Naming Regulations.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 77 – TMP-5023

**CONDITIONS – Continued:**

4. All development is subject to the conditions of City Departments and State Subdivision Statutes.
5. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
6. Street names must be provided in accordance with the City's Street Naming Regulations.
7. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
8. Prior to submittal for a Final Map Technical Review or for review of Civil Improvement plans, whichever occurs first, a revised Tentative Map reflecting the Conditions of Approval in this report shall be approved by staffs of the Planning and Development Department and Public Works Department. The Tentative Map shall be revised to reflect accurate data as noted above.
9. The development shall comply with all City Codes and State Subdivision Statutes.

Public Works

10. Site development to comply with all applicable conditions of approval for ZON-4452, SDR-4455 and all other subsequent site-related actions.
11. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**RENOTIFICATION - TXT-5037 – TEXT AMENDMENT - PUBLIC HEARING -  
APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend  
Title 19.14.100 relating to standards for Off-Premise Signs.**

**THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map – Not Applicable
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – Motion to HOLD IN ABEYANCE – APPROVED – UNANIMOUS**

**To be held in abeyance until 11/18/2004 Planning Commission Meeting**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

ROBERT GENZER, Planning and Development Department, reminded the Commissioners that they had been given a copy of the text amendment a month earlier so they could begin their review. At the City Council meeting of October 20, 2004, COUNCILMAN BROWN asked that dialogue begin regarding the issue of off-premise signs. There have been recent changes to Codes in Clark County and the City of North Las Vegas. There are a number of issues that have been raised including the maintenance of existing boards, an expanding number of applications for new boards and whether or not boards should be allowed on sites that are currently vacant and not maintained. Staff has attempted to address some of these concerns in this text amendment.

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 78 – TXT-5037

**MINUTES – Continued:**

MR. GENZER highlighted a few of the changes such as the addition of a specific requirement that all applicants provide a maintenance schedule for off-premise signs and property at the time of submitting the application for a Special Use Permit. By requiring this type of schedule, staff hopes to alleviate some issues raised regarding graffiti and other issues that seem to occur on the pole portion of the signs. Staff also offered another condition that could be made standard, which states no off-premise sign shall be erected on vacant property that does not have a minimum of one permanent industrial or commercial use. That would alleviate the concern raised that when no investment has been made there should not necessarily be the opportunity to gain income without doing anything to improve the property. There are proposed changes to distance separation requirements after MAYOR PRO TEM REESE raised an issue because he would like to take into consideration if the amendment is made now there are a number of existing billboards that could easily become non-conforming. This is an important point to remember during the discussion of this item.

MR. GENZER pointed out the proposed Number 7 of the new standards number seven, which stated “if an existing off-premise sign is removed, the Special Use Permit shall be expunged and a new off-premise sign cannot be erected in the same location unless the new sign meets all requirements of Code or, Council approves a Special Use Permit or grants a Variance for the sign. MR. GENZER recollected that there have been instances in the past where a sign was removed and could not replace it because the site had become non-conforming.

There is a proposed condition regarding maintenance, which is a voiced concern of the Commission, as well as not allowing more than one sign being permitted per sign face. That concern is addressed by a separate proposed condition that will prohibit that from occurring.

COMMISSIONER McSWAIN had several concerns and questions. She questioned the affect of using the words “may impose” instead of using the word “must.” She wondered if the differentiation affected the ability for an applicant to request a variance waiving conditions. MR. GENZER did not believe that would be the case. DEPUTY CITY ATTORNEY BRYAN SCOTT stated that the word “must” indicates something is mandatory and “may” is discretionary. If “must” is used, it would mean that no waiver is available and “may” could indicate it is. He noted that there is no asterisk in the proposal to clarify the point. MR. GENZER indicated that an asterisk could be used in case that terminology is used and that could prevent anyone from potentially asking for a waiver. DEPUTY CITY ATTORNEY SCOTT stated that another alternative would be to add the wording “unless otherwise approved by City Council.” COMMISSIONER McSWAIN used Number 5 for an example. The verbiage uses the word “may” and the Commissioner wants the applicants to be prepared for what is basically a

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 78 – TXT-5037

**MINUTES – Continued:**

Site Plan Review as part of the application. She wants them to know that they will have to meet Code. This language does not lend itself to provide guidance for applicants so they can be prepared for the process.

COMMISSIONER McSWAIN asked if lot coverage should be included in Condition 2 because earlier in the meeting, there was a building on the lot but it was so far away the property could still be considered vacant. During the meeting, there were some billboard related items that had conditions relating to architectural standards; however, there is no reference in the proposed amendment of that nature. Condition 14 does reference additional design standards regarding signs in C-1 and C-2 districts. She felt architectural design standards that went along with design standards should be incorporated into the amendment.

She also questioned Number 7 and MR. GENZER'S comments on replacing a sign. COMMISSIONER McSWAIN did not want the condition to discourage people wanting to upgrade a sign in an area that may be slightly transitioning. She did not want to completely exclude signs that are coming down unless the goal is to get rid of them completely. Her goal is to have a better quality sign in appropriate areas that do not compete with retail. She was not sure if it was appropriate to consider how billboards would interact with retail but noticed there was nothing relating to that issue in the amendment. She gave an example of corridors such as Decatur Boulevard and Washington Avenue where people have requested signs. The intersection is Commercial but there is residential right behind it and although it meets the distance separations, it still seems inappropriate to the Commissioner to put signs there. At that intersection, the billboards also compete with the retail signs.

COMMISSIONER EVANS confirmed with CHAIRMAN TRUESDELL that there was not an immediate urgency to act upon this item immediately. The Chairman stated the topic was raised by the Planning Commission and is important to the Council; however, because of the lateness of the hour, perhaps an abeyance should be considered. MR. GENZER stated that staff had no objection to abeying the item. The previous day, at City Council, MR. GENZER agreed that in one month, staff would bring before Council a compilation of what other entities in the Valley are doing in relation to billboards. He asked that the Commission put their comments in writing so staff could incorporate them into one list, which staff could use to amend the proposal and then bring it back before the Commission. He acknowledged this is a difficult issue and will involve discussion with members of the industry. At this point, staff has not attempted to contact the industry because staff is trying to get the Commission's input first. Once the Commissioners comments are incorporated, staff will take the item to Industry for their comments. CHAIRMAN TRUESDELL stated that each of the Commissioners committed to getting their comments to staff by October 26<sup>th</sup> or 27<sup>th</sup>. This will allow staff time to consider the comments and obtain answers to any of the Commissioners questions.



PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 78 – TXT-5037

**MINUTES – Continued:**

COMMISSIONER STEINMAN assumed that this would eventually be put into ordinance form and felt it was erroneous to overlook the exclusionary zones. He felt that determining boundaries of where billboards would stop was the most important part of the entire ordinance. He felt exclusionary zones would give weight to the ordinance. CHAIRMAN TRUESDELL felt the exclusionary zone is created by the distance separations and requirements. He agreed with COMMISSIONER STEINMAN that there are areas the Commission has looked at and decided billboards would never be appropriate within.

COMMISSIONER STEINMAN also felt that the language in Condition 6 should be amended to read “the Special Use Permits would be reviewed within a five year period” and not in a minimum of a five year period. He did not feel the use of the word minimum was effective. CHAIRMAN TRUESDELL stated the comments were valid and to incorporate them into the comments to staff.

MR. GENZER suggested the item could be held for 30 days but he wanted the comments as soon as possible for staff to work with so a draft revision could possibly be returned to the Commission at the next meeting. CHAIRMAN TRUESDELL suggested putting a discussion item on the Agenda for the 11/03/2004 meeting in case there was some discussion that needed to take place. He also suggested it be put forward on the agenda so it was not heard at a late hour if the meeting were to run long. This would also be beneficial in case there were industry representatives in the audience for other items, they could give some early input if the Commission desired that. He commended staff’s hard work and said the item is moving in the right direction. MR. GENZER said that could be done as a discussion item if the CHAIRMAN directed; however, no action could be taken.

COMMISSIONER McSWAIN stated that previously, the sign industry was consulted before the sign ordinance was put together for approval. She asked why the industry has not been included in this stage of the development of the amended text. MR. GENZER stated that direction to begin the review of the ordinance has come from the City Council and the Planning Commission and staff is trying to establish exactly what both bodies want before the industry is consulted.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(1:47-2:06)

**5-3829**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**TXT-5335 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER:**  
**CITY OF LAS VEGAS** - Discussion and possible action to amend Title 19.04.050, "Liquor Establishment (Tavern)" in order to allow waivers for taverns located within enclosed regional malls and to amend 19.20.020 to add a definition for "Regional Mall".

**THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Location Map – Not Applicable
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – APPROVED** subject to conditions and with direction to staff to review the industry definition of the square foot requirement for a regional mall and to make any necessary adjustments so that the language reflects what is most applicable to a regional mall – **UNANIMOUS** with **TRUEDELL** abstaining as the Item will directly affect one of his clients

**To be forwarded to City Council in Ordinance form**

**MINUTES:**

**VICE CHAIRMAN NIGRO** declared the Public Hearing open.

**ROBERT GENZER**, Planning and Development Department, explained that at the present time, the only regional mall that would be affected by the proposed text amendment would be the Meadows Mall. Several years ago, there was a tavern within the mall that has been gone for some time now. There was a potential request to put a new tavern in that same location and staff discovered that immediately adjacent to the mall, there is an elementary school. The situation of the school is interesting because it is immediately adjacent to the property line of the mall but it is impossible to get directly from the school to the mall due to a block wall, a landscape corridor

PLANNING COMMISSION MEETING OF OCTOBER 21, 2004  
Planning and Development Department  
Item 79 – TXT-5335

**MINUTES – Continued:**

and Meadows Lane. Because of this, the 1,500-foot distance separation requirement does not make sense in this particular case. Waivers are allowable if the uses are separated by a 100-foot right-of-way; however, in this case the separating street, Meadows Lane, does not meet that requirement. The amendment would add an additional waiver possibly to the ordinance that would state “in order to be eligible for a waiver; you must be located within an enclosed regional mall.” This would allow for the application to take place and allow the Planning Commission and the City Council to determine if it is an appropriate application.

COMMISSIONER STEINMAN felt the definition of a regional mall should not be stated at 100,000 square feet. He thought 500,000 square feet would be more appropriate. There is a website for the International Council of Shopping Centers and the information is most likely available there. The Commissioner thought a mall in the 100,000 square foot range would be a fairly small neighborhood center, not a regional mall. MR. GENZER replied that staff would look into the matter and make any necessary adjustments. VICE CHAIRMAN NIGRO concurred with COMMISSIONER STEINMAN’S comments regarding regional malls being larger facilities. COMMISSIONER DAVENPORT felt a regional mall would be defined by our standards. COMMISSIONER STEINMAN thought it should be defined as the industry defines it.

VICE CHAIRMAN NIGRO confirmed with MR. GENZER the 100,000 square feet would have to include multiple uses to qualify as a mall. MR. GENZER clarified that the intent of the definition is not to include swap meets, super market centers or home improvement centers because they are not enclosed. Under the definition, the uses must be enclosed under one roof. VICE CHAIRMAN NIGRO asked for example, if a 120,000 square foot Wal-Mart would fall under the definition of the Code for a regional mall. MR. GENZER read part of the definition, which states “it must be a building or structure that is used or intended to be used as an assemblage of varied tenants.”

Subsequent to COMMISSIONER McSWAIN’S motion for approval with direction to staff to investigate the industry definition of regional mall and make any necessary adjustments, DEPUTY CITY ATTORNEY BRYAN SCOTT suggested the minimum square footage number given in the definition could be amended now and if there is an issue between meetings, the number could be changed before the item is heard before the City Council. COMMISSIONER DAVENPORT suggested it could be sent forward with the 100,000 square foot number and then Council could be advised if it needed to be changed. COMMISSIONER STEINMAN felt it should be changed to 500,000 square feet at this time. COMMISSIONER McSWAIN did not want to amend her original motion.

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**MINUTES – Continued:**

VICE CHAIRMAN NIGRO indicated that the 500,000 square foot requirement would be much closer to what the malls are in town. He estimated regional malls are probably 750,000 to 1 million square feet. COMMISSIONER McSWAIN agreed but pointed out that the Commission has also defined a regional mall as shopping areas where people from outside of the neighborhood would go to shop. She asked if the Commission was prepared to redefine regional malls entirely or just for this particular item. COMMISSIONER STEINMAN reminded everyone that to enclose a structure, there would have to be about 500,000 square feet to do so. He trusted staff would do that and make the appropriate adjustments if necessary.

COMMISSIONER DAVENPORT said this would only be a guideline. If there were a 200,000 square foot facility and the Commission wanted to recognize it as a regional mall, a 500,000 square foot requirement would prohibit that.

VICE CHAIRMAN NIGRO declared the Public Hearing closed.

(2:06-2:15)

**6-726**

**CONDITIONS:**

1. Add subsection (d) to Title 19.04.050 (B) Minimum Requirements - LIQUOR ESTABLISHMENT (TAVERN) (5) , as follows:

“(d) Will be located within a Regional Mall”

2. Title 19.20.020, “Words and Terms Defined,” is hereby amended as follows:

**Regional Mall:** “a building or structure that is used or intended to be used as a assemblage of varied tenants that includes, but is not limited to, retail, personal services, food and other ancillary uses wherein access to the various uses is provided from inside the enclosed mall building/structure. A regional mall shall have a minimum square footage of 100,000 square feet.”



**PLANNING COMMISSION AGENDA**  
**PLANNING COMMISSION MEETING OF: OCTOBER 21, 2004**

**CITIZENS PARTICIPATION:**

ITEMS RAISED UNDER THIS PORTION OF THE PLANNING COMMISSION AGENDA CANNOT BE ACTED UPON BY THE PLANNING COMMISSION UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN COMPLIED WITH. THEREFORE, ACTION ON SUCH ITEMS WILL HAVE TO BE CONSIDERED AT A LATER TIME.

**MINUTES:**

None.

**MEETING ADJOURNED AT 2:15 A.M.**

Respectfully submitted:

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STACEY CAMPBELL, DEPUTY CITY CLERK

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ARLENE COLEMAN, DEPUTY CITY CLERK